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TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES IN CALIFORNIA

Approval has been given to the following rules and regulations, effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, and of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.). The respective rules and regulations were adopted by the Control Committee, the Bartlett Pear Commodity Committee, the Plum Commodity Committee, or the Elberta Peach Commodity Committee (established under the aforesaid amended marketing agreement and order as the agencies to administer the terms and provisions thereof) or prescribed by the Secretary of Agriculture, as the case may be.

Sec.
936.100 Definitions.
936.101 Communications.
936.102 Administrative bodies.
936.103 Regulation of unfair trade practices and unfair methods of competition.
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AUTHORITY: §§ 936.100 to 936.105, inclusive, and § 936.109 issued under 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp. 936.1 et seq.

§ 936.100 *Definitions.* (a) "Marketing agreement and order" means the marketing agreement, as amended, and Order No. 36, as amended, regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California.

(b) Each term used in the marketing agreement and order shall, when used in §§ 936.100 to 936.105, inclusive, and 936.109, have the same meaning applicable to such term in the marketing agreement and order.

§ 936.101 *Communications.* Unless otherwise prescribed in §§ 936.100 to 936.105, inclusive, and 936.109, or in the marketing agreement and order, or required by the Control Committee or a particular commodity committee, all reports, applications, submittals, requests, and communications in connection with the marketing agreement and order shall be addressed as follows:

Control Committee
California Tree Fruit Agreement
1910 Eye Street
Sacramento 14, California

§ 936.102 *Administrative bodies*—(a) *Nomination of shipper members for the Control Committee.* (1) All shippers who, prior to February 1 of the then current year, have not advised the manager of the Control Committee in writing of their participation in the formation of an elective body shall be notified promptly by the manager after that date, by mail, of the time and place for a meeting of such shippers to elect nominees for shipper membership on the Control Committee.

(2) The chairman of the then existing Control Committee shall schedule a meeting of shippers in the month of February of the then current year, for the purpose of making nominations to the shipper membership of the Control Committee; and such chairman is authorized to appoint a member of the Control Committee to act as chairman of the meeting and to conduct the election.

(b) *Procedure for nominating members for various commodity committees; meetings.* (1) The manager of the then existing Control Committee shall arrange for, and publicize, meetings of growers to nominate members for the different commodity committees, and each such meeting shall be attended by one or more employees of the Control Committee. Members of the Agricultural Extension Service of the University of California may be authorized by the manager to assist in calling such meetings and advise growers, on their respective mailing lists, of such meetings.

(2) Growers assembled at any such meetings may select a chairman and secretary, but in the event none of the aforesaid employees of the Control Committee is selected as secretary of the

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

CODIFICATION GUIDE—Con.

meeting, one such employee shall, nevertheless, record all nominations made.

(3) The nominations at any meeting shall be conducted according to Roberts Rules of Order. However, voting may be by secret ballot or by acclamation in accordance with the desire of the majority of the growers attending the meeting.

(c) *Changes in the representation of certain districts on Plum Commodity Committee.* The representation or membership on the Plum Commodity Committee is changed to provide for three members to represent the area included in the Fresno, Tulare, Kern, and Southern California Districts, three members to represent the area included in the Colfax and Placer Districts, and one member to represent all of the territory in California not included in the foregoing districts.

§ 936.103 *Regulation of unfair trade practices and unfair methods of competition.* (a) The shipping of Elberta peaches of the size described in paragraph (b) of this section, or smaller sizes, in the standard fruit boxes numbered 15, 16, 17, 18, and 18A, and in the number 12B California Peach Box (as such boxes are defined in section 828.25 of the Agricultural Code of California) when packed so that the longitudinal axis of each such peach forms an angle with the bottom of the container which is less than 70 degrees is deceptive with regard to the quantity of fruit and the size of the fruit in such boxes and is, therefore, an unfair trade practice and an unfair method of competition; and the shipment of such peaches, packed as aforesaid, is prohibited in accordance with the applicable provisions of the marketing agreement and order.

(b) The specific size of Elberta peaches referred to in paragraph (a) of this section is the size (1) that will pack 66 peaches in the aforesaid standard fruit boxes with two layers in each box, and each layer containing three rows of six peaches each and three rows of five peaches each, and (2) that will pack 60 peaches in the aforesaid California Peach Box with two layers in each such box and each layer containing six rows of five peaches per row, and all such peaches in the aforesaid containers being packed in accordance with the specifications of a standard pack, as specified in the Standards for Peaches, issued by the United States Department of Agriculture, effective April 22, 1933, and reissued February 4, 1946.

§ 936.104 *Regulation by grades and sizes*—(a) *Exemptions.* (1) Any application for an exemption certificate authorizing the shipment of Bartlett pears, plums, or Elberta peaches shall be submitted to the secretary of the appropriate commodity committee and shall contain the following information on Form E–1, "Grower Application for Exemption Certificate":

(i) The name and address of the applicant;

(ii) The location of the orchard (by district and distance from nearest town) from which the fruit is to be shipped pursuant to the exemption certificate;

(iii) The number and age of the trees of the particular fruit for which exemption is requested;

(iv) The grade or size regulation from which exemption is requested;

(v) The estimated crop of such fruit in such terms as required by the applicable form of application for an exemption certificate;

(vi) The number of standard containers of the particular fruit, by grades and sizes, which the applicant has available for shipment during the remainder of the regulation period, and for which exemption is requested;

(vii) The number of standard containers of the particular fruit, by grades and sizes, which the applicant has sold or otherwise disposed of since the beginning of the particular regulation period;

(viii) The reasons why the quantity of fruit for which exemption is requested does not meet the requirements of the grades or sizes of fruit permitted to be shipped under the particular regulation;

(ix) The name of the shipper;

(x) The shipments of the particular fruit during the preceding season; and

(xi) Such additional data and information as the respective commodity committee may require in order to determine whether the applicant is entitled to an exemption certificate.

(2) The respective commodity committee shall promptly verify all statements contained in each application for an exemption certificate and determine whether an application shall be approved or disapproved. The determination, in case of approval, shall be evidenced by the issuance, to the applicant, of an exemption certificate and, in case of disapproval, shall be evidenced by written notice of such disapproval.

(3) Each exemption certificate, issued by any commodity committee, shall be on Form E–2, "Grower Exemption Certificate." The exemption certificate shall be signed by the secretary, or assistant secretary, of such commodity committee. Each exemption certificate shall be issued in quadruplicate; and one copy shall be delivered to the grower, one copy shall be delivered to the shipper designated by the grower to receive such copy, one copy shall be delivered to the appropriate field representative of the Control Committee, and one copy shall be retained as part of the permanent records of the particular commodity committee.

(4) Each shipper handling fruit pursuant to an exemption certificate shall keep an accurate record, in the manner provided on such certificate, of all shipments of such fruit. Such shipper, after having shipped as much fruit as authorized by an exemption certificate, shall promptly surrender, upon demand of the appropriate commodity committee or its duly authorized representative, the exemption certificate containing an accurate record of such shipments.

(5) If any grower is dissatisfied with the determination of any employee authorized to issue exemption certificates and who has exercised jurisdiction with regard to an application submitted by such grower, such grower may appeal to the appropriate commodity committee. Such appeal must, however, be taken promptly after the determination by such employee. If any grower is dissatisfied with the determination of any commodity committee regarding any application for an exemption certificate, any exemption certificate, or any appeal by such grower to any such commodity committee, the grower may appeal to the Secretary of Agriculture. Any such appeal shall be taken promptly after determination by the particular commodity committee. Any such grower making an appeal to the Secretary of Agriculture shall file a written statement with the particular commodity committee to the effect that the grower is thus appealing from the determination of such commodity committee. In the event any such grower files a written statement of appeal, as aforesaid, to the Secretary of Agriculture, the appropriate commodity committee shall promptly forward to the Secretary of Agriculture the written appeal by the grower, a true and correct copy of all of the written documents pertaining to the application by the grower for an exemption certificate and the consideration of such application, the written information and proof submitted to, or obtained by, the commodity committee with regard to such application, the report submitted by the employee of the Control Committee regarding such application, the determination of the appropriate commodity committee with regard to the application, and a written summary of all of the information obtained by, or submitted to, such commodity committee relative to the application.

§ 936.105 *Regulation of daily shipments.* (a) Each of the following railroad yards in the State of California is designated as a "railroad assembly point":

(1) The railroad yards of the Southern Pacific Railroad in the cities of Roseville, Colfax, Sacramento, Gerber, and Colton;

(2) The railroad yards of the Western Pacific Railroad in the cities of Sacramento and Marysville;

(3) The railroad yards of the Northwestern Pacific Railroad in the city of Santa Rosa; and

(4) The railroad yards of the Santa Fe Railroad in the cities of Bakersfield, Stockton, Barstow, and Needles.

(b) A "car of Bartlett pears" or a "carload of Bartlett pears" shall constitute a quantity of Bartlett pears equiva-

lent to the quantity of such fruit which may be packed, in accordance with the requirements of a standard pack (as such pack is defined in the U. S. Standards for Summer and Fall Pears, issued by the United States Department of Agriculture on June 27, 1940, as subsequently reissued on September 3, 1942), in not less than 200 or more than 800 standard pear boxes (as such standard pear box is defined in section 828.3 of the Agricultural Code of California).

(c) The "arrival" of a car of Bartlett pears at a cold storage assembly point shall be 48 hours subsequent to the time of actual delivery of such car of fruit. If a car of Bartlett pears is delivered to a cold storage assembly point in diverse lots, the "arrival" of such car of fruit shall be 48 hours subsequent to the time of actual delivery of the last lot.

(d) The retention of Bartlett pears under refrigeration in a storage warehouse in the State of California under any of the following conditions shall constitute "cold storage" of such fruit:

(1) The Bartlett pears are designated as stored by the shipper;

(2) The Bartlett pears are placed in a cold storage assembly point for precooling and are not reported to the manager of the Control Committee within 48 hours after delivery; and

(3) The Bartlett pears are not loaded for shipment within 48 hours after the shipper is notified of the release, in accordance with the marketing agreement and order, of such fruit from the cold storage assembly point.

(e) Undershipments of allotments of Bartlett pears shall be reported to the Bartlett Pear Commodity Committee by 12:00 o'clock noon of the day following the day on which the respective undershipments are made.

(f) Each shipper shall account to the Bartlett Pear Commodity Committee for the disposition of any quantity of Bartlett pears in excess of such shipper's allotment at shipping point by reporting to such commodity committee, each day, regarding the disposition of each quantity of Bartlett pears in excess of the shipper's allotment for the preceding day. Each such report shall show:

(1) If placed in cold storage, the location of the cold storage plant and the quantity of Bartlett pears so placed.

(2) If exported off the Continent of North America, the car number or the name of the boat on which the shipment was made, and the quantity of Bartlett pears so exported.

(3) If sold for fresh consumption within the State of California, the destination.

(4) The quantity of Bartlett pears together with an adequate description of any other channel of disposition or destination of such fruit.

(g) The maximum time any car of Bartlett pears may be held at any assembly points is 96 hours.

(h) Adjustments for shipments of Bartlett pears by boat made by a shipper whose pears are regulated at assembly points shall be made 9 days prior to the expected day of arrival of such boat shipment.

(i) If any grower is dissatisfied with the decision or determination of the Bartlett Pear Commodity Committee relative to the action taken by said committee pursuant to the provisions of this section, such grower may appeal to the Secretary of Agriculture. Such appeal must be taken promptly after the determination by such commodity committee and there must be filed a written statement with said committee to the effect that the grower is thus appealing from its decision or determination. In the event a grower appeals, as aforesaid, to the Secretary of Agriculture, the Bartlett Pear Commodity Committee shall promptly forward to the Secretary of Agriculture a true and correct copy of all of the documents pertaining to the controversy including, but not being limited to, (*a*) a copy of each report filed by or for such grower; (*b*) a copy of the findings by the committee; (*c*) a copy of the grower's written statement of appeal; and (*d*) a written summary of all of the information obtained by, or submitted to such committee relative to such controversy.

§ 936.109 *Reports*—(a) *Bartlett pears.* Each shipper who ships Bartlett pears shall furnish, or authorize any or all railroad companies and transportation companies to furnish, to the confidential employee of the Control Committee complete daily information stating: (1) The time of departure of each shipment of Bartlett pears from specified railroad points, (2) the time of shipment of each car of Bartlett pears, (3) the name of the shipper, (4) the car number, (5) the number of packages of such pears (or the equivalent thereof in weight) by grades and sizes in each shipment, (6) the point of origin, and (7) the destination. The foregoing information is to be reported promptly and substantiated by a copy of the manifest covering the shipment or a recapitulation of the manifest. The daily information shall also include any diversion of the shipment of any carload of Bartlett pears made through any or all agencies as soon as possible after filing such diversion with any common carrier. In the event any such shipment includes Bartlett pears for which exemption certificates have been issued, information concerning the name of the grower for whom such exempted fruit has been shipped shall be included either on the aforesaid manifest or on separate reports.

(b) *Plums.* Each shipper who ships plums shall furnish, or authorize any or all railroad companies and transportation companies to furnish, to the confidential employee of the Control Committee complete daily information stating: (1) The name of the shipper, (2) the car number, (3) the number of packages by variety and size (or the equivalent thereof), (4) the weight of each shipment, (5) the point of origin, and (6) the destination. The foregoing information is to be reported promptly and substantiated by a copy of the manifest covering the shipment or a recapitulation of the manifest. The daily information shall include any diversion of the shipment of any carload of plums made through any or all agencies as soon as possible after filing such diversion with any common carrier. In the event the shipment includes plums for which exemption certificates have been issued, information concerning the name of the grower for whom such exempted fruit has been shipped shall be included either on the manifest or on separate reports.

(c) *Elberta peaches.* Each shipper who ships Elberta peaches shall furnish, or authorize any or all railroad companies and transportation companies to furnish, to the confidential employees of the Control Committee complete daily information stating: (1) The name of the shipper, (2) the car number, (3) the number of packages of Elberta peaches by size (or the equivalent thereto), (4) the weight of each shipment, (5) the point of origin, and (6) the destination. The foregoing information is to be reported promptly and substantiated by a copy of the manifest covering the shipment or a recapitulation of the manifest. The daily information shall include any diversion of the shipment of any carload of Elberta peaches made through any or all agencies as soon as possible after filing such diversion with any common carrier. In the event the shipment includes Elberta peaches for which exemption certificates have been issued, information concerning the name of the grower for whom such exempted fruit has been shipped shall be included either on the manifest or an separate reports.

NOTE: These rules and regulations were in existence prior to September 11, 1946, but were not published in the FEDERAL REGISTER.

Done at Washington, D. C., this 5th day of February 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-1191; Filed, Feb. 7, 1947; 8:46 a. m.]

[Lemon Reg. 208]

PART 953—LEMONS GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.315 *Lemon Regulation 208.*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Pro-

cedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., February 9, 1947, and ending at 12:01 a. m., P. s. t., February 16, 1947, is hereby fixed at 150 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 207 (12 F. R. 768) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "boxes," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such word in the said marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 6th day of February 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-1252; Filed, Feb. 7, 1947; 8:50 a. m.]

[Orange Reg. 164]

PART 966—ORANGES GROWN IN THE STATE OF CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.310 *Orange Regulation 164*—(a) *Findings.* (1) Pursuant to the provisions of the order (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., February 9, 1947, and ending at 12:01 a. m., P. s. t., February 16, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate Districts Nos. 1, 2, and 3, no movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1, 300 carloads; (*b*) Prorate District No. 2, 700 carloads; and (*c*) Prorate District No. 3, unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base scheduled which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used herein, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 6th day of February 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Orange regulation period No. 164. 12:01 a. m. Feb. 9, 1947 to 12:01 a. m. Feb. 16, 1947]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1

Handler	*Prorate base percent*
Total	100.0000
A. F. G. Lindsay	.2577
A. F. G. Porterville	.0000
Cooperative Citrus Association	.0000
Dofflemyer, W. T.	.0000
Elderwood Citrus Association	1.4190
Exeter Citrus Association	3.4415
Exeter Orange Growers Association	.0000
Exeter Orchards Association	1.2602
Hillside Packing Corp	1.8556
Ivanhoe Mutual Orange Association	1.2658
Klink Citrus Association	5.3079
Lemon Cove Association	1.7915
Lindsay Citrus Growers Association	3.1513

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	*Prorate base percent*
Lindsay Coop. Citrus Association	1.7716
Lindsay District Orange Co	1.6396
Lindsay Fruit Association	2.2512
Lindsay Orange Growers Association	1.5076
Naranjo Packing House Co	1.0219
Orange Cove Citrus Association	3.0454
Orange Packing Company	1.2922
Orosi Foothill Citrus Association	1.5064
Paloma Citrus Fruit Association	1.3227
Pogue Packing House, J. E.	.8137
Rocky Hill Citrus Association	2.4117
Sanger Citrus Association	3.5809
Sequoia Citrus Association	.9810
Stark Packing Corp	2.6169
Visalia Citrus Association	.0000
Waddell & Son	2.3904
Butte County Citrus Association, Inc	.0000
James Mills Orchard Corp	.9912
Orland Orange Growers Association, Inc	.7848
Baird-Neece Corp	1.9857
Beattie Association, Agnes M.	.0000
Grand View Heights Citrus Association	2.3166
Magnolia Citrus Association	2.6203
Porterville Citrus Association	1.7139
Richgrove-Jasmine Citrus Association	.0000
Sandilands Fruit Co	.0000
Strathmore Coop. Association	2.0962
Strathmore District Orange Association	1.9182
Strathmore Fruit Growers Association	1.3606
Strathmore Packing House Co	1.5875
Sunflower Packing Association	2.4928
Sunland Packing House	3.0468
Terra Bella Citrus Association	1.5208
Tule River Citrus Association	1.3126
Jensen, M. N.	2.7744
Kroells Bros., Ltd	1.7358
Lindsay Mutual Groves	2.0635
Martin, J. D.	1.2677
Stivers Packing Co	.8688
Woodlake Packing House	2.0416
R. M. C. Porterville	.0000
Abbate Co., The Chas.	1.0386
Anderson Packing Co., R. M.	.8296
Baker Bros.	.0000
California Citrus Growers, Inc., Ltd	2.0634
Chess Company, Meyer W.	.0000
Edison Groves Co	.0000
Edison Orange Growers Association	.0000
Evans Bros. Packing Co	1.6663
Furr, N. C.	.3872
Ghianda Ranch	.0000
Harding & Leggett	1.6083
Lo Bue Bros.	.5086
Marks, W. & M.	.0000
Raymond Bros.	.1565
Reimers, Don H.	.0000
Rooke Packing Co., B. G.	3.7411
Snyder & Sons Co., W. A.	.9391
Toy, Chin	.0000
Webb Packing Co., Inc.	.0000
Western States Fruit and Produce Co.	.0000
Wollenman Packing Co	.8918
Woodlake Heights Packing Corp.	.9992
Zaninovich Bros., Inc.	.7668

Prorate District No. 2

Total	100.0000
A. F. G. Alta Loma	.3519
A. F. G. Fullerton	.0472
A. F. G. Orange	.0623
A. F. G. Redlands	.3486
A. F. G. Riverside	.8674
Corona Plantation Co	.9855

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base percent
Hazeltine Packing Co	0.1049
Signal Fruit Association	.7201
Azusa Citrus Association	.9677
Azusa Orange Co., Inc	.1344
Damerel-Allison Co	1.2002
Glendora Mutual Orange Association	.5219
Irwindale Citrus Association	.3520
Puente Mutual Citrus Association	.0481
Valencia Heights Orchards Association	.2026
Glendora Citrus Association	.7954
Glendora Heights O. & L. Grs. Association	.1505
Gold Buckle Association	3.3975
La Verne Orange Association, The	3.5329
Anaheim Citrus Fruit Association	.0621
Anaheim Valencia Orange Association	.0168
Eadington Fruit Co., Inc	.3104
Fullerton Mutual Orange Association	.2644
La Habra Citrus Association	.1479
Orange Co. Valencia Association	.0259
Orangethorpe Citrus Association	.0241
Placentia Coop. Orange Association	.0562
Yorba Linda Citrus Association, The	.0266
Alta Loma Heights Citrus Association	.3882
Citrus Fruit Growers	.7323
Cucamonga Citrus Association	.6058
Etiwanda Citrus Fruit Association	.2219
Mountain View Fruit Association	.1595
Old Baldy Citrus Association	.4351
Rialto Heights Orange Growers	.4631
Upland Citrus Association	2.2450
Upland Heights Orange Association	.9766
Consolidated Orange Growers	.0309
Garden Grove Citrus Association	.0212
Goldenwest Citrus Association, The	.0906
Olive Heights Citrus Association	.0423
Santa Ana-Tustin Mutual Citrus Association	.0283
Santiago Orange Growers Association	.1638
Tustin Hills Citrus Association	.0330
Villa Park Orchards Association, Inc., The	.0385
Bradford Bros., Inc	.2307
Placentia Mutual Orange Association	.1850
Placentia Orange Growers Association	.2560
Call Ranch	.6427
Corona Citrus Association	.7309
Jameson Co	.3836
Orange Heights Orange Association	.8857
Break & Son, Allen	.2774
Bryn Mawr Fruit Growers Association	1.0621
Crafton Orange Growers Association	1.3523
E. Highlands Citrus Association	.4173
Fontana Citrus Association	.4274
Highland Fruit Growers Association	.6686
Krinard Packing Co	1.5991
Mission Citrus Association	.7875
Redlands Coop. Fruit Association	1.7375
Redlands Heights Groves	.9257
Redlands Orange Growers Association	1.1644
Redlands Orangedale Association	.9639
Redlands Select Groves	.5462
Rialto Citrus Association	.5609
Rialto Orange Co	.3670
Southern Citrus Association	.9785
United Citrus Growers	.7116
Zilen Citrus Co	1.0590
Arlington Heights Fruit Co	.4280
Brown Estate, L. V. W	1.7838
Gavilan Citrus Association	1.6520
Hemet Mutual Groves	.3358
Highgrove Fruit Association	.6939
McDermont Fruit Co	1.7591
Mentone Heights Association	.7790
Monte Vista Citrus Association	1.1273
National Orange Co	.8486
Riverside Heights Orange Growers Association	1.3171
Sierra Vista Packing Association	.6906
Victoria Ave. Citrus Association	2.3399
Claremont Citrus Association	.9857
College Heights O. & L. Association	1.0252
El Camino Citrus Association	.5151
Indian Hill Citrus Association	1.1557
Pomona Fruit Gowers Association	2.0307
Walnut Fruit Growers Association	.4377
West Ontario Citrus Association	1.5497
El Cajon Valley Citrus Association	.3728
Escondido Orange Association	.5515
San Dimas Orange Growers Association	1.2183
Covina Citrus Association	1.4846
Covina Orange Growers Association	.4978
Duarte-Monrovia Fruit Exchange	.4959
Ball & Tweedy Association	.1125
Canoga Citrus Association	.0639
N. Whittier Heights Citrus Association	.1139
San Fernando Fruit Growers Association	.3036
San Fernando Heights Orange Association	.3288
Sierra Madra Lamanda Citrus Association	.2421
Camarillo Citrus Association	.0096
Fillmore Citrus Association	1.2449
Ojai Orange Association	.9937
Piru Citrus Association	1.1384
Santa Paula Orange Association	.1124
Tapo Citrus Association	.0109
East Whittier Citrus Association	.0166
Whittier Citrus Association	.3099
Whittier Select Citrus Association	.0595
Anaheim Coop. Orange Association	.0556
Bryn Mawr Mutual Orange Association	.4877
Chula Vista Mutual Lemon Association	.1454
Escondido Coop. Citrus Association	.1002
Euclid Avenue Orange Association	2.0917
Foothill Citrus Union, Inc	.0838
Fullerton Coop. Orange Association	.0533
Garden Grove Orange Coop	.0385
Glendora Coop. Citrus Association	.0855
Golden Orange Groves, Inc	.4071
Highland Mutual Groves, Inc	.4163
Index Mutual Association	.0039
La Verne Coop. Citrus Association	2.4300
Olive Hillside Groves, Inc	.0312
Orange Coop. Citrus Association	.0492
Redlands Foothill Groves	2.1365
Redlands Mutual Orange Association	1.0358
Riverside Citrus Association	.4019
Ventura County O. & L. Association	.2126
Whittier Mutual O. & L. Association	.0486
Babijuice Corp. of California	.4080
Banks Fruit Co	.2541
California Fruit Distributors	.0880
Cherokee Citrus Co., Inc	1.1161
Chess Co., Meyer W	.3238
El Modena Citrus, Inc	.0817
Evans Bros. Packing Co	.7968
Gold Banner Association	1.9053
Granada Hills Packing Co	.2257
Granada Packing House	1.0647
Hill, Fred A	.7079
Inland Fruit Dealers, Inc	.2429
Orange Belt Fruit Distributors	2.4730
Panno Fruit Co., Carlo	.1402
Paramount Citrus Association	.2662
Placentia Pioneer Valencia Growers Association	.0756
Riverside Growers, Inc	.5089
San Antonio Orchards Association	1.2702
Snyder & Sons Co., W. A	.9169
Torn Ranch	.0480
Verity & Sons Co., R. H	.1017
Wall, E. T	1.5753
Western Fruit Growers, Inc., Redlands	2.6017
Yorba Orange Growers Association	.0334

[F. R. Doc. 47-1251; Filed, Feb. 7, 1947; 8:49 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter III—Bonneville Power Administration, Department of the Interior

PART 400—ORGANIZATION AND PROCEDURE

DELEGATIONS OF AUTHORITY

CROSS REFERENCE: For an addition to the list of delegations of authority contained in §§ 400.30 and 400.31, see Title 43, Part 4, *infra*, delegating to the General Counsel of the Bonneville Power Administration certain functions relating to the administrative adjustment of tort claims.

Chapter IV—Southwestern Power Administration, Department of the Interior

PART 500—ORGANIZATION AND PROCEDURE

DELEGATIONS OF AUTHORITY

CROSS REFERENCE: For an addition to the list of delegations of authority contained in §§ 500.40 and 500.41, see Title 43, Part 4, *infra*, delegating to the Chief Counsel of the Southwestern Power Administration certain functions relating to the administrative adjustment of tort claims.

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter C—The Foreign Service

[Foreign Service Reg. S-24]

PART 101—DIRECTION AND ORGANIZATION OF FOREIGN SERVICE

PART 102—PERSONNEL ADMINISTRATION

PART 105—ACCOUNTS

PART 120—MISCELLANEOUS

Under authority contained in R. S. 161 (5 U. S. C. 22), and pursuant to section 302 of the Foreign Service Act of 1946 (60 Stat. 1001), the Foreign Service Regulations comprising Part 102 of Title 22 of the Code of Federal Regulations are amended by adding the following sections:

SALARIES AND SALARY DIFFERENTIALS

Sec.
102.102 Notice of transfer of office.
102.103 Computation of chargé pay.
102.104 Changes in chargé pay.

APPOINTMENTS AND COMMISSIONS

102.305 Foreign Service personnel required to take oath of office.

BONDS

102.322 Bonding of Foreign Service personnel.

ENTRY ON POST DUTY

102.502 Presentation of credentials.
102.515 Official calls by new chief of mission.
102.520 Chiefs of mission to conform to ceremonial usage.
102.545 Official calls by consular officers.

RESTRICTIONS ON PERSONAL ACTIVITIES

102.802 Restrictions on official and private correspondence.
102.803 Restrictions on writing for publication.
102.804 Restrictions on political activities abroad.
102.806 Restrictions on participation in activities of private organizations.
102.808 Restrictions on business activities abroad.
102.810 Restrictions applicable to members of families.
102.811 Limitation on employment of members of family in Foreign Service office.
102.813 Restrictions on making recommendations in connection with employment.
102.815 Restrictions on preferring of charges.
102.817 Restrictions on the acceptance of presents or favors.
102.818 Restrictions against extension of personal financial aid to Americans abroad.
102.820 Restrictions on wearing apparel of officers and employees.
102.821 Restrictions on marriage of officers or employees to aliens.
102.822 Restrictions on persons retired from the Foreign Service.

AUTHORITY: §§ 102.102 to 102.822, inclusive, issued under R. S. 161, secs. 302, 421, 422, 541, 1002, 1003, 1004, 1011, Pub. Law 724, 79th Cong., 60 Stat. 1001, 1004, 1011, 1030; 5 U. S. C. 22.

SALARIES AND SALARY DIFFERENTIALS [1]

§ 102.102 *Notice of transfer of office.* (a) An officer shall not be considered to be lawfully in charge of a diplomatic or consular office and entitled to receive additional compensation during the absence of the principal officer unless a Transfer of Office Certificate Form No. 5 has been executed and forwarded to the Department. The dates to be used in determining the period for which charge pay is allowable shall be the dates of executing the Transfer of Office Certificate upon assuming and relinquishing charge. A true copy of the signed original certificate shall accompany the accounts of the office.

(b) In the event of the serious illness or death of the chief of mission or principal officer, or other emergency making it necessary for a subordinate officer to assume charge, the Transfer of Office Certificate shall be executed by the incoming officer with an appropriate explanation of the circumstances involved.

§ 102.103 *Computation of chargé pay.* (a) The amount of chargé pay allowed for assuming temporary charge of office is based on the per annum salary provided for the last chief of mission or basic salary of the last principal officer actually at the post, i. e.:

(1) At an embassy or legation the salary of the chargé shall be based on the per annum salary provided for the chief of mission who last served at the post;

(2) At a consulate general or consulate on the basic salary received by the last principal officer actually in charge of the post.

(b) Chargé pay shall accrue only on the basis of full days and is not subject to retirement deductions.

§ 102.104 *Changes in chargé pay.* (a) If a principal officer receives a promotion effective subsequent to his departure from his post of duty, on leave or otherwise, adjustment of the compensation of the officer in charge is authorized only in case such principal officer returns to the same duty station and resumes charge.

(b) When an officer or employee is lawfully authorized to assume charge during the absence of the principal officer and such principal officer is retroactively promoted effective on a date prior to his departure from the post, the officer in charge is entitled to have his chargé pay adjusted accordingly. (11 Comp. Gen. 273.)

(c) When a new office is established, chargé pay is not payable to a junior officer who assumes charge for a period prior to the arrival and entry upon duty of a principal officer or chief of mission.

APPOINTMENTS AND COMMISSIONS [2]

§ 102.305 *Foreign Service personnel required to take oath of office.* Upon appointment, all officers and employees of the Foreign Service, except alien clerks and employees appointed abroad, shall take the oath of office prescribed by section 1757 of the Revised Statutes of the United States, as amended (5 U. S. C. 16).

BONDS

§ 102.322 *Bonding of Foreign Service personnel.* (a) In addition to the officers of the Foreign Service required to give bond by section 1011 of the Foreign Service Act of 1946, every ambassador or minister who will render accounts or certify vouchers for payment, every consular agent, every authorized certifying officer, every officer who disburses while in the employ of the Department of State regardless of the source from which he derives such authority, every officer or employee of the Foreign Service who receives official collections for the Government of the United States, and every other officer or employee of the Foreign Service who is instructed to do so by the Department or by the officer in charge shall give a bond to the United States. The officer in charge may require the giving of bonds by an unbonded officer or employee who handles funds, valuables, fee stamps, or documents, or performs any duty for which the officer in charge might be held to be responsible.

(b) All bonds given to the United States by officers and employees in the Service shall be executed on Form 352, Foreign Service, in a penal sum of $5,000 or such larger amounts as the Department shall indicate in individual cases.

(c) All bonding companies holding certificates of authority from the Secretary of the Treasury under acts of Congress of August 13, 1894, and March 23, 1910 (28 Stat. 279, 36 Stat. 241; 6 U. S. C. 6–13) are hereby approved as acceptable sureties on bonds. If any surety other than those approved herein is desired by an officer or employee, the approval by the Secretary of State of such surety shall be obtained before executing the bond.

(d) Pursuant to the provisions of 6 U. S. C., Supp. 3, the bond of each officer or employee will be examined by the Department periodically (at least once every two years) for sufficiency of surety and penalty and if the officer or employee is notified that the penalty or surety is not sufficient he shall file a new bond to correct the deficiency. Upon relinquishing duties requiring a bond with a penalty in excess of the minimum, the officer or employee may request the Department to authorize him to reduce the penalty on his bond. Upon notification that the penalty on the bond may be reduced, the officer or employee shall file a new bond with a penalty in the new amount indicated by the Department.

(e) Upon receipt of a notification from a corporate surety to the effect that an officer or employee has failed to pay the annual premium on his bond, the Department will instruct such officer or employee to renew his bond. The officer or employee shall take immediate steps to follow these instructions.

(f) When it is necessary that an officer or employee be bonded immediately to enable him to perform some duty, he shall request that an interim bond be filed for him, indicating the surety desired, and shall agree to pay the premium without delay in the same penalty, with the same surety, and effective the same date as the interim bond.

ENTRY ON POST DUTY

§ 102.502 *Presentation of credentials.* (a) Upon arrival at the seat of mission, the new chief of mission shall request, through the principal officer of the mission, an informal conference with the Minister for Foreign Affairs, or such other officer of the government to which he is accredited as may be found authorized to act in the premises, in order to arrange for his official reception. He shall at the same time, in his own name, address a formal note to the Minister for Foreign Affairs, communicating the fact of his appointment and requesting the designation of a time and place for presenting his letter of credence and the letter of recall of his predecessor.

(b) When the representative is accredited by the President to the Chief of State, he shall, on requesting audience for the purpose of presenting the original sealed letter of credence in person, communicate to the Minister for Foreign Affairs the open office copy thereof accompanying his original instructions.

(c) If the chief of mission is assigned as chargé d'affaires and bears a letter of credence addressed to the Minister for

[1] 12 F. R. 5.

[2] 11 F. R. 13741.

Foreign Affairs, he shall, on addressing to the Minister the formal note, convey to him the office copy of his letter of credence and shall await the Minister's pleasure for presentation of the original.

(d) A copy of each letter of credence shall be prepared and placed in the files of the mission.

(e) When presenting his letter of credence, the new chief of mission should be accompanied by all officers assigned to the mission in a diplomatic capacity and by all the attachés of the mission.

§ 102.515 *Official calls by new chief of mission.* (a) A new chief of mission shall, immediately upon his arrival at the seat of mission, familiarize himself with the local rules regarding official calls. In his initial official visits he should be accompanied by the ranking Foreign Service officer assigned to the mission in a diplomatic capacity.

(b) A chargé d'affaires need not pay official calls upon his colleagues upon assuming charge if he be at the post at the time he is accredited. After assuming charge he shall call upon the Minister for Foreign Affairs on the latter's first general reception day.

§ 102.520 *Chiefs of mission to conform to ceremonial usage.* On all formal occasions the chief of mission shall be governed by the ceremonial usage of the country of his official residence. The chief of mission shall confer informally with the ceremonial officer, or, in the absence of such official, with the dean of the diplomatic corps, to insure appropriate conformity to established rules. Notes informing the mission of the departure of a chief of mission and the assumption of charge by a chargé d'affaires ad interim should not be answered unless local custom so requires.

§ 102.545 *Official calls by consular officers.* A consular officer, on entering on official duty status, shall conform to local custom in the matter of making official calls on the proper local officials and the consular officers of other countries.

RESTRICTIONS ON PERSONAL ACTIVITIES

§ 102.802 *Restrictions on official and private correspondence.* (a) Officers and employees of the Foreign Service shall not correspond with anyone other than the proper officers of the United States in regard to the public affairs of a foreign government, active political issues in the United States, or confidential matters pending in Foreign Service establishments or the Department of State, unless specific authorization to do so has first been received from the Secretary of State. Correspondence on such matters with officers of Government agencies in Washington, other than the Department of State, should be forwarded to the Department for clearance and transmission to the interested agency. Inquiries concerning any of the above-mentioned subjects from persons who are not officers of the United States should be acknowledged and the inquirers referred to the Department.

(b) Officers and employees should refrain from corresponding privately on personnel and other official matters with officers in the Department unless the subject of the correspondence has already been made a matter of record in official correspondence and the circumstances are such that further informal comments and suggestions are justified. Private communications on official matters shall never be referred to in subsequent official communications. However, such private communications are semi-official and accordingly copies shall be placed in the confidential or other files of the Foreign Service office. Private correspondence on personnel matters, when necessary, shall be addressed to the Director General of the Foreign Service or to the Chief of the Division of Foreign Service Personnel. If private correspondence on personnel matters involves persons other than the writer, copies of such correspondence shall be placed in the confidential or other files of the Foreign Service office.

§ 102.803 *Restrictions on writing for publication.* Officers and employees of the Foreign Service shall not act as correspondents for American or foreign newspapers, press syndicates, or associations, unless special authorization has been obtained in advance from the Secretary in each case. Officers and employees shall not write for publication any article or other manuscripts on political or controversial subjects. Articles or manuscripts on non-political or non-controversial subjects shall be submitted to the Committee on Unofficial Publication of the Department of State for review and approval prior to their submission to a publisher. However, when, in the opinion of the principal officer at a post, immediate publication of an article is desirable for local reasons, such officer may authorize the publication of a clearly non-political and non-controversial manuscript. Copies of such manuscripts shall be forwarded to the Department immediately under cover of a despatch.

§ 102.804 *Restrictions on political activities abroad.* Officers and employees of the Foreign Service shall not engage in any form of political activity in the country to which they are accredited or assigned.

§ 102.806 *Restrictions on participation in activities of private organizations.* (a) For the purpose of this section, the term "private organization" shall denote any group of persons associated for any purpose whatever, except an organization established by the Government of the United States or in which the Department of State participates officially. In participating in the programs and activities of any private organization, an officer or employee of the Foreign Service shall make it clear that the Department of State has no official connection with such organization and that it does not sponsor or sanction the viewpoints which he may express.

(b) Where a private organization is one concerned with foreign policy or international relations, either in general or in some special economic, political, or cultural field, an officer or employee of the Foreign Service shall limit his connection with such organization as follows—unless specially permitted to do so, he shall not serve as an adviser, officer, director, teacher, sponsor, committee chairman, or in any other official capacity or permit his name to be used on a letterhead, in a publication, in an announcement or news story, or at a public meeting, regardless of whether his title or his connection with the Department is mentioned. Special permission to assume or continue a connection prohibited by the foregoing provisions may be granted in cases where the public interests of the Government and the Department of State will not be adversely affected. To request such permission, or to determine whether the provisions of this section are applicable to a particular case, the officer or employee, if stationed at the Department or sojourning in the United States, shall address a memorandum to the Director General of the Foreign Service setting forth all the circumstances. That officer will consult the interested divisions and will recommend approval or disapproval to the Assistant Secretary of State for Administration. Such a request from an officer in the field should be made by despatch or airgram addressed to the Secretary of State in the usual manner.

(c) Where the purpose and program of the organization do not fall within the field of foreign policy and international relations and have no connection with the field in which the officer or employee does his official work the activity of the officer or employee shall be limited only to the following extent:

(1) His official title or his connection with the Department may be used to identify him, as in a civic association election, but shall not be used on a letterhead, in a publication, or otherwise so as to employ the prestige of the Department to enhance that of the organization or to imply official sponsorship;

(2) Where he is a representative of an association consisting of Departmental or Foreign Service employees, or of a group of such employees, his connection with the Department may be freely used so long as there is no implication of official sponsorship beyond what may have been officially approved by the Department.

§ 102.808 *Restrictions on business activities abroad.* (a) The following types of transactions shall be considered business transactions within the meaning of section 1003 of the Foreign Service Act of 1946:

(1) Speculation in exchange for profit;

(2) Transactions at exchange rates differing materially from those shown in the official monthly office accounts, unless such transactions are duly reported;

(3) Sales to unauthorized persons (whether at cost or for profit) of currency acquired at preferential rates through diplomatic or other restricted arrangements;

(4) Transactions which entail the use without official sanction of the diplomatic pouch;

(5) Transfers of funds on behalf of blocked nationals, or otherwise, in violation of United States Foreign Funds Control;

(6) Independent and unsanctioned private transactions which involve an officer or employee of the Foreign Service, as an individual, in a violation of applicable control regulations of foreign governments;

(7) Investments of money in real estate, mortgages, bonds, shares, and stocks;

(8) Permitting use of one's name as a business reference or signing books and documents which may be subsequently used for the purpose of seeking contributions or for other improper purposes;

(9) Permitting use of official title in any private business transactions.

(b) Officers and employees of the Foreign Service, except consular agents and alien clerks and employees, who violate the provisions of section 1003 of the Foreign Service Act of 1946 or who engage in any of the above-mentioned transactions at the post to which they are accredited or assigned shall be held to strict accountability for their actions by the Board of the Foreign Service. Consular agents and alien clerks and employees engaging in business activities which reflect discredit upon the Foreign Service shall be subject to appropriate disciplinary action by the supervisory officer in the case of consular agents, or by the officer in charge of the post concerned in the case of alien clerks and employees.

(c) The purchase of a house and land for personal use shall not be considered a violation of section 1003 of the Foreign Service Act of 1946.

§ 102.810 *Restrictions applicable to members of families.* (a) Restrictions placed on officers and employees of the Foreign Service in the matter of speeches, interviews, official and private correspondence, writing for publication, political activities abroad, participation in the activities of private organizations, and business activities, shall also apply to those members of the family of the officer or employee, including the alien spouse of an officer or employee, who normally reside with him and who are dependent upon him. An officer or employee of the Foreign Service shall be held to strict accountability for the actions of such members of his family.

(b) The alien spouse of any officer or employee in the Foreign Service shall avoid expressing views which are unfriendly to, or critical of, the United States, its Government, institutions, or people, either to or in the presence of other persons of foreign nationality. Alien spouses shall, in addition, refrain from engaging in, or associating closely with groups of people or organizations engaged in, activities which are inimical or embarrassing to the Government of the United States. Failure on the part of the alien spouse of a person employed in a Foreign Service office to observe these restrictions may, in the discretion of the Secretary of State, result in the dismissal of the person so employed.

§ 102.811 *Limitation on employment of members of family in Foreign Service office.* Members of the family of an officer or employee of the Foreign Service shall not be employed in the same Foreign Service office as the officer or employee except during grave emergencies or when special authorization has been obtained in advance of employment from the Secretary of State.

§ 102.813 *Restrictions on making recommendations in connection with employment.* (a) In general, officers and employees of the Foreign Service shall not, in their official capacity, make any recommendations in connection with the employment of persons unless the positions concerned are with the Government of the United States and the recommendations are made in response to an inquiry from a Government official authorized to employ persons or to investigate applicants for employment. However, a principal officer in the Foreign Service may furnish an employee who is leaving the Service with a document setting forth the bearer's integrity, diligence or other qualifications. In addition, a principal officer may, in answer to a letter of inquiry concerning a former employee in a Foreign Service office, state the length of time the person was employed in the Service and the fact that nothing in his record militates against him, if such is the case.

(b) An officer or employee of the Foreign Service may make personal recommendations in connection with the employment of any person, except in a position of trust or profit under the government of the country to which the officer or employee is accredited or assigned, provided that the officer or employee does not divulge any information concerning the person which he has derived from official sources.

§ 102.815 *Restrictions on preferring of charges.* An officer or employee of the Foreign Service shall not attack or publicly criticize any other officer or employee of the Foreign Service. If a Foreign Service officer or employee finds it necessary to criticize or prefer charges against any other officer or employee of the Service, he shall do so only in a personal and confidential communication to the Director General of the Foreign Service or the Chief of the Division of Foreign Service Personnel.

§ 102.817 *Restrictions on the acceptance of presents or favors.* (a) When officers or employees of the Foreign Service find it necessary to refuse, in accordance with the provisions of section 1002 of the Foreign Service Act of 1946, any present, emolument, pecuniary favor, office or title offered them by a foreign government either on their behalf or on behalf of some other person, the refusal shall be made in as gracious terms as possible, attention being invited to the fact that the acceptance of such presents, etc., is prohibited under the laws of the United States. Officers and employees of the Foreign Service shall take such precautionary measures as seem advisable to avoid being placed in a position where it becomes necessary to refuse acceptance of gifts, etc., from a foreign government.

(b) Officers and employees of the Foreign Service shall also refuse personal gifts or gratuities offered them by persons or organizations affected by the performance of their official duties.

(c) Rates or discounts offered to officers and employees of the Foreign Service as a class may be accepted and utilized.

§ 102.818 *Restrictions against extension of personal financial aid to Americans abroad.* Officers and employees of the Foreign Service shall not make personal loans to American citizens or others who have no personal claim on them, nor shall they obligate their personal credit for such persons, either by endorsing notes, bills of exchange, or other negotiable instruments or by assuming any form of financial responsibility.

§ 102.820 *Restrictions on wearing apparel of officers and employees.* When officers and employees of the Foreign Service are authorized by law or required by a military commander of the United States to wear a uniform, care shall be taken that the uniform is worn only at authorized times and for authorized purposes. As a rule, officers and employees of the Foreign Service shall confine themselves to wearing whatever civilian apparel is appropriate to the occasion and the relative position of the officer or employee vis-à-vis the officers and employees of the diplomatic and consular branches of other governments in the country of assignment. Conventional garb worn by chauffeurs, elevator operators and other miscellaneous employees shall not be considered uniforms within the meaning of section 1001 of the Foreign Service Act of 1946.

§ 102.821 *Restrictions on marriage of officers or employees to aliens.* (a) No person married to an alien shall be appointed as a Foreign Service officer. No person married to an alien shall be appointed to the Foreign Service Reserve or as a Foreign Service staff officer or employee unless express permission is granted by the Board of the Foreign Service.

(b) Before contracting marriage with a person of foreign nationality each officer and American employee shall request permission to do so from the Board of the Foreign Service. Any officer or American employee who contracts marriage with an alien without obtaining advance permission from the Board of the Foreign Service shall be deemed guilty of insubordination and shall be separated from the Service. Requests for permission to marry an alien shall be accompanied by the officer's or employee's resignation for such action as may be deemed appropriate.

(c) Chiefs of mission shall require their private secretaries to comply with the policy formulated in §§ 102.102 to 102.822, inclusive.

§ 102.822 *Restrictions on persons retired from the Foreign Service.* Persons retired from the Foreign Service shall be subject to all applicable restrictions on personal activities which are placed on officers and employees in active service.

The following sections of the Foreign Service Regulations are hereby superseded: §§ 101.4, 101.6, 101.7, and 101.14–101.30; §§ 102.3–102.5, 102.7, 102.9, and 102.10; §§ 105.22, 105.29–105.35, 105.37,

105.38, and 105.42 (a), (b), (c), (e); § 120.4.

Section 102.6 is hereby renumbered § 120.8.

This regulation is effective as of November 13, 1946.

For the Secretary of State.

JOHN E. PEURIFOY,
Deputy Assistant Secretary for Administration.

FEBRUARY 5, 1947.

[F. R. Doc. 47-1211; Filed, Feb. 7, 1947; 8:46 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

PART 01—ORGANIZATION AND PROCEDURE

DELEGATIONS OF AUTHORITY

CROSS REFERENCE: For an addition to the list of delegations of authority contained in §§ 01.100-01.145, see Title 43, Part 4, *infra*, delegating to the District Counsels of the Bureau of Indian Affairs, certain functions relating to the administrative adjustment of tort claims.

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Public Laws 383 and 475, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1039, Revocation]

MRS. GERTRUDE C. HILL

Mrs. Gertrude C. Hill, 229 North Fifth Street, Reading, Pennsylvania, was suspended on December 10, 1946 by Suspension Order No. S-1039, for violation of Veterans' Housing Program Order No. 1. An appeal was filed with the Chief Compliance Commissioner who, after reviewing the case, has directed that the suspension order be revoked forthwith. In view of the foregoing, it is hereby ordered, that:

§ 1010.1039 *Suspension Order No. S-1039* be revoked.

Issued this 6th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1290; Filed, Feb. 7, 1947; 11:23 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1079]

T. R. JOHNSON

T. R. Johnson operates and is the sole owner of the Johnson Company, with the principal place of business at 235 South Dock Street, Sharon, Pennsylvania, and among other things, is engaged in the manufacture of prefabricated houses and sections. The Company was authorized, pursuant to Direction 8 of Priorities Regulation 33, under CPA Serial #2074, to use the HH Preference Rating to obtain lumber, plywood lumber and other materials for use in the manufacture of prefabricated houses. During the third quarter of 1946, the company placed certified and HH rated orders for 540,000 square feet of plywood lumber with the U. S. Plywood Corporation, when, in fact, it was only authorized under the aforementioned CPA Serial Number to place the certified and HH rated orders for 105,000 square feet of plywood. The placing of certified rated orders for 435,000 square feet of plywood lumber in excess of its authorization constituted a wilful violation of Direction 8 of Priorities Regulation No. 33 and Priorities Regulation No. 3. During the third quarter of 1946, the Company delivered sufficient prefabricated sections, to complete four prefabricated dormitories, to the National Tube Company, Lorain, Ohio, on uncertified and unrated orders. The plywood used in the manufacture of these prefabricated sections was obtained on rated orders granted on CPA Application 4415, Serial No. 2074. The sale and delivery of these prefabricated sections on unrated and uncertified orders constituted a grossly negligent violation of Direction 8 of Priorities Regulation 33. During the calendar year 1946, the Company failed to keep at its regular place of business all documents, including purchase orders and preference rating orders, and generally failed to keep and maintain accurate and complete records of its transactions to which rules and regulations of the Civilian Production Administration apply. The failure to keep and maintain accurate, complete and proper records constituted a violation of § 944.15 of Priorities Regulation No. 1 and paragraph (g) (5) of Priorities Regulation No. 3. These violations have diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1079 *Suspension Order No. S-1079.* (a) Neither T. R. Johnson, doing business as Johnson Company, his or its successors or assigns, for a period of three months from the effective date of this order, shall apply or extend any preference ratings or certifications for plywood lumber, regardless of the delivery date named in any purchase order to which such ratings may be applied or extended, and in addition, shall cancel all outstanding orders for plywood lumber bearing preference ratings.

(b) T. R. Johnson, doing business as Johnson Company, his or its successors or assigns, is prohibited from placing any further orders bearing preference ratings or delivering to others any materials obtained by the use of preference ratings, until such time as the records are organized, so as to comply with the requirements under the applicable priorities regulations.

(c) T. R. Johnson, doing business as Johnson Company, shall refer to this order in any application for appeal which may be filed individually, or in behalf of the company, with the Civilian Production Administration or any other duly authorized Governmental agency for priorities assistance, or for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve T. R. Johnson, doing business as the Johnson Company, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on the 7th day of February 1947.

Issued this 31st day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1291; Filed, Feb. 7, 1947; 11:23 a. m.]

PART 4600—RUBBER, SYNTHETIC RUBBER AND PRODUCTS THEREOF

[Appendix II to Rubber Order R-1, Direction 1]

USE OF BUTYL PERMITTED IN MANUFACTURE OF ALL SIZES AND TYPES OF TIRE TUBES

The following direction is issued pursuant to Appendix II to Rubber Order R-1.

Irrespective of the restrictions of List 9, *Manufacture of Tire Tubes*, of Appendix II to R-1, as amended November 29, 1946, Butyl (GR-1) may be used in the manufacture of all sizes and types of tire tubes.

Issued this 7th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1289; Filed, Feb. 7, 1947; 11:23 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1388—DEFENSE-RENTAL AREAS

[Housing,[1] Amdt. 110 (§ 1388.1181)]

HOUSING

Section 5 (a) (12) of the Rent Regulation for Housing is amended in the following respects:

1. The first paragraph of section 5 (a) (12) is amended to read as follows:

(12) *Substantial hardship from increase in property taxes or operating*

[1] 11 F. R. 12055, 13028, 13309, 14013.

costs. Substantial hardship has resulted from a decrease in the net income (before interest) of the property for the current year as compared with a prior representative period, due to an unavoidable increase in property taxes or operating costs.

2. The third unnumbered paragraph of section 5 (a) (12) is eliminated.

3. The present fourth unnumbered paragraph of section 5 (a) (12) is amended by adding the following subparagraph (vi):

(vi) "Prior representative period" means any period of two consecutive years prior to the 'current year' but not beginning before January 1, 1939 which the Administrator finds to be representative of the property's normal operation: *Provided, however,* That where a representative period of two consecutive years is not available the Administrator in his discretion may for the purposes of this section accept a representative period of not less than one year.

4. The last unnumbered paragraph of section 5 (a) (12) is eliminated.

5. The sixth unnumbered paragraph of section 5 is amended to read as follows:

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs: *Provided,* That the adjustment shall not result in a maximum rent higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

This amendment shall become effective February 15, 1947.

Issued this 7th day of February 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement To Accompany Amendment 110 to the Rent Regulation for Housing; Amendment 34 to the Rent Regulation for Housing in the New York City Defense-Rental Area, Amendment 26 to the Rent Regulation for Housing in the Atlantic County Defense-Rental Area and Amendment 30 to the Rent Regulation for Housing in the Miami Defense-Rental Area

By Amendment No. 110 to the Rent Regulation for Housing the basis for relief under section 5 (a) (12) has been broadened to make it possible for additional landlords to obtain a compensating rent adjustment if they establish that the earnings of their property have been substantially reduced by rising taxes or operating costs.

Under this section, as amended, hardship is determined by comparing the operating position of the property in the current year with the operating position in a representative two year period. Prior to this change the base period used, had to be a representative period preceding the maximum rent date. From now on the base period may be any representative consecutive two year period beginning on or after January 1, 1939.

This change in the regulation regarding the base period will prove advantageous to many owners of rental property. A landlord now may select as his base period any consecutive two years operation since January 1, 1939 which is representative of his normal operations. Many property owners who have no financial records or no rental history for the period prior to the maximum rent date may now qualify for adjustment under this section. For example, prior to the amendment a landlord who had not kept books for the required representative period prior to the maximum rent date or a purchaser of rental property who was unable to obtain operating records for the base period from the previous owner or a property owner whose housing accommodations were not rented during the base period preceding the maximum rent date were unable to obtain relief. This amendment will now permit these classes of landlords to qualify for adjustment if they can establish hardship and some of their rents are below comparability.

To qualify for an adjustment under this section a landlord must show that he has had a decrease in net income (before interest) and an increase in property taxes or operating costs between the base period and the current year. If he can establish this, the amount of the adjustment will be the lesser of the two. Adjustments, however, as heretofore will be limited to the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date.

The amendment also deletes the provision that wage increases granted by the landlord must generally be approved by the appropriate wage or salary stabilization agency of the United States in order to be considered as part of the property's increased operating cost. This change was made necessary with the termination of the controls over wages and salaries exercised by the National Wage Stabilization Board and the Office of Economic Stabilization.

These changes in section 5 (a) (12) are made by (1) rewording the first paragraph; (2) deleting the third and the last unnumbered paragraphs, respectively; and (3) adding to the present fourth unnumbered paragraph a subparagraph defining "prior representative period." The sixth unnumbered paragraph of section 5 is also reworded to make explicit the measure of adjustment applicable to cases under section 5 (a) (12).

Corresponding changes are made in the Rent Regulation for Housing in the New York City Defense-Rental Area, the Rent Regulation for Housing in the Atlantic County Defense-Rental Area, the Rent Regulation for Housing in the Miami Defense-Rental Area.

In the judgment of the Temporary Controls Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-1296; Filed, Feb. 7, 1947; 11:40 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Atlantic County Area,[1] Amdt. 26 (§ 1358.1411)]

HOUSING IN ATLANTIC COUNTY

Section 5 (a) (12) of the Rent Regulation for Housing in the Atlantic County Defense-Rental Area is amended in the following respects:

1. The first paragraph of section 5 (a) (12) is amended to read as follows:

(12) *Substantial hardship from increase in property taxes or operating costs.* Substantial hardship has resulted from a decrease in the net income (before interest) of the property for the current year as compared with a prior representative period, due to an unavoidable increase in property taxes or operating costs.

2. The third unnumbered paragraph of section 5 (a) (12) is eliminated.

3. The present fourth unnumbered paragraph of section 5 (a) (12) is amended by adding the following subparagraph (vi):

(vi) "Prior representative period" means any period of two consecutive years prior to the 'current year' but not beginning before January 1, 1939 which the Administrator finds to be representative of the property's normal operation: *Provided, however,* That where a representative period of two consecutive years is not available the Administrator in his discretion may for the purposes of this section accept a representative period of not less than one year.

4. The last unnumbered paragraph of section 5 (a) (12) is eliminated.

5. The sixth unnumbered paragraph of section 5 is amended to read as follows:

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs: *Provided,* That the adjustment shall not result in a maximum rent higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

This amendment shall become effective February 15, 1947.

Issued this 7th day of February 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[1] 11 F. R. 12084.

Statement To Accompany Amendment 110 to the Rent Regulation for Housing; Amendment 34 to the Rent Regulation for Housing in the New York City Defense-Rental Area, Amendment 26 to the Rent Regulation for Housing in the Atlantic County Defense-Rental Area and Amendment 30 to the Rent Regulation for Housing in the Miami Defense-Rental Area

By Amendment No. 110 to the Rent Regulation for Housing the basis for relief under section 5 (a) (12) has been broadened to make it possible for additional landlords to obtain a compensating rent adjustment if they establish that the earnings of their property have been substantially reduced by rising taxes or operating costs.

Under this section, as amended, hardship is determined by comparing the operating position of the property in the current year with the operating position in a representative two year period. Prior to this change the base period used, had to be a representative period preceding the maximum rent date. From now on the base period may be any representative consecutive two year period beginning on or after January 1, 1939.

This change in the regulation regarding the base period will prove advantageous to many owners of rental property. A landlord now may select as his base period any consecutive two years operation since January 1, 1939 which is representative of his normal operations. Many property owners who have no financial records or no rental history for the period prior to the maximum rent date may now qualify for adjustment under this section. For example, prior to the amendment a landlord who had not kept books for the required representative period prior to the maximum rent date or a purchaser of rental property who was unable to obtain operating records for the base period from the previous owner or a property owner whose housing accommodations were not rented during the base period preceding the maximum rent date were unable to obtain relief. This amendment will now permit these classes of landlords to qualify for adjustment if they can establish hardship and some of their rents are below comparability.

To qualify for an adjustment under this section a landlord must show that he has a decrease in net income (before interest) and an increase in property taxes or operating costs between the base period and the current year. If he can establish this, the amount of the adjustment will be the lesser of the two. Adjustments, however, as heretofore will be limited to the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date.

The amendment also deletes the provision that wage increases granted by the landlord must generally be approved by the appropriate wage or salary stabilization agency of the United States in order to be considered as part of the property's increased operating cost. This change was made necessary with the termination of the controls over wages and salaries exercised by the National Wage Stabilization Board and the Office of Economic Stabilization.

These changes in section 5 (a) (12) are made by (1) rewording the first paragraph; (2) deleting the third and the last unnumbered paragraphs, respectively; and (3) adding to the present fourth unnumbered paragraph a subparagraph defining "prior representative period." The sixth unnumbered paragraph of section 5 is also reworded to make explicit the measure of adjustment applicable to cases under section 5 (a) (12).

Corresponding changes are made in the Rent Regulation for Housing in the New York City Defense-Rental Area, the Rent Regulation for Housing in the Atlantic County Defense-Rental Area, the Rent Regulation for Housing in the Miami Defense-Rental Area.

In the judgment of the Temporary Controls Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-1295; Filed, Feb. 7, 1947; 11:40 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Miami Area,[1] Amdt. 30 (§ 1388.1241)]

HOUSING IN MIAMI AREA

Section 5 (a) (12) of the Rent Regulation for Housing in the Miami Defense-Rental Area is amended in the following respects:

1. The first paragraph of section 5 (a) (12) is amended to read as follows:

(12) *Substantial hardship from increase in property taxes or operating costs.* Substantial hardship has resulted from a decrease in the net income (before interest) of the property for the current year as compared with a prior representative period, due to an unavoidable increase in property taxes or operating costs.

[1] 11 F. R. 12084.

2. The third unnumbered paragraph of section 5 (a) (12) is eliminated.

3. The present fourth unnumbered paragraph of section 5 (a) (12) is amended by adding the following subparagraph (vi):

(vi) "Prior representative period" means any period of two consecutive years prior to the 'current year' but not beginning before January 1, 1939, which the Administrator finds to be representative of the property's normal operation: *Provided, however,* That where a representative period of two consecutive years is not available the Administrator in his discretion may for the purposes of this section accept a representative period of not less than one year.

4. The last unnumbered paragraph of section 5 (a) (12) is eliminated.

5. The eighth unnumbered paragraph of section 5 is amended to read as follows:

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs: *Provided,* That the adjustment shall not result in a maximum rent higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

This amendment shall become effective February 15, 1947.

Issued this 7th day of February 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement To Accompany Amendment 110 to the Rent Regulation for Housing; Amendment 34 to the Rent Regulation for Housing in the New York City Defense-Rental Area, Amendment 26 to the Rent Regulation for Housing in the Atlantic County Defense-Rental Area and Amendment 30 to the Rent Regulation for Housing in the Miami Defense-Rental Area

By Amendment No. 110 to the Rent Regulation for Housing the basis for relief under section 5 (a) (12) has been broadened to make it possible for additional landlords to obtain a compensating rent adjustment if they establish that the earnings of their property have been substantially reduced by rising taxes or operating costs.

Under this section, as amended, hardship is determined by comparing the operating position of the property in the current year with the operating position in a representative two year period. Prior to this change the base period used, had to be a representative period preceding the maximum rent date. From now on the base period may be any repre-

sentative consecutive two year period beginning on or after January 1, 1939.

This change in the regulation regarding the base period will prove advantageous to many owners of rental property. A landlord now may select as his base period any consecutive two years operation since January 1, 1939 which is representative of his normal operations. Many property owners who have no financial records or no rental history for the period prior to the maximum rent date may now qualify for adjustment under this section. For example, prior to the amendment a landlord who had not kept books for the required representative period prior to the maximum rent date or a purchaser of rental property who was unable to obtain operating records for the base period from the previous owner or a property owner whose housing accommodations were not rented during the base period preceding the maximum rent date were unable to obtain relief. This amendment will now permit these classes of landlords to qualify for adjustment if they can establish hardship and some of their rents are below comparability.

To qualify for an adjustment under this section a landlord must show that he has had a decrease in net income (before interest) and an increase in property taxes or operating costs between the base period and the current year. If he can establish this, the amount of the adjustment will be the lesser of the two. Adjustments, however, as heretofore will be limited to the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date.

The amendment also deletes the provision that wage increases granted by the landlord must generally be approved by the appropriate wage or salary stabilization agency of the United States in order to be considered as part of the property's increased operating cost. This change was made necessary with the termination of the controls over wages and salaries exercised by the National Wage Stabilization Board and the Office of Economic Stabilization.

These changes in section 5 (a) (12) are made by (1) rewording the first paragraph; (2) deleting the third and the last unnumbered paragraphs, respectively; and (3) adding to the present fourth unnumbered paragraph a subparagraph defining "prior representative period." The sixth unnumbered paragraph of section 5 is also reworded to make explicit the measure of adjustment applicable to cases under section 5 (a) (12).

Corresponding changes are made in the Rent Regulation for Housing in the New York City Defense-Rental Area, the Rent Regulation for housing in the Atlantic County Defense-Rental Area, the Rent Regulation for Housing in the Miami Defense-Rental Area.

In the judgment of the Temporary Controls Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention of evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-1297; Filed, Feb. 7, 1947; 11:41 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, New York City Area,[1] Amdt. 34 (§ 1388.1281)]

HOUSING IN NEW YORK CITY AREA

Section 5 (a) (12) of the Rent Regulation for Housing in the New York City Defense-Rental Area is amended in the following respects:

1. The first paragraph of section 5 (a) (12) is amended to read as follows:

(12) *Substantial hardship from increase in property taxes or operating costs.* Substantial hardship has resulted from a decrease in the net income (before interest) of the property for the current year as compared with a prior representative period, due to an unavoidable increase in property taxes or operating costs.

2. The third unnumbered paragraph 5 (a) (12) is eliminated.

3. The present fourth unnumbered paragraph of section 5 (a) (12) is amended by adding the following subparagraph (vi):

(vi) "Prior representative period" means any period of two consecutive years prior to the 'current year' but not beginning before January 1, 1939 which the Administrator finds to be representative of the property's normal operation: *Provided, however,* That where a representative period of two consecutive years is not available the Administrator in his discretion may for the purposes of this section accept a representative period of not less than one year.

4. The last unnumbered paragraph of section 5 (a) (12) is eliminated.

5. The seventh unnumbered paragraph of section 5 is amended to read as follows:

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs: *Provided,* That the adjustment shall not result in a maximum rent higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

This amendment shall become effective February 15, 1947.

Issued this 7th day of February 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement To Accompany Amendment 110 to the Rent Regulation for Housing; Amendment 34 to the Rent Regulation for Housing in the New York City Defense-Rental Area, Amendment 26 to the Rent Regulation for Housing in the Atlantic County Defense-Rental Area and Amendment 30 to the Rent Regulation for Housing in the Miami Defense-Rental Area

By amendment No. 110 to the Rent Regulation for Housing the basis for relief under section 5 (a) (12) has been broadened to make it possible for additional landlords to obtain a compensating rent adjustment if they establish that the earnings of their property have been substantially reduced by rising taxes or operating costs.

Under this section, as amended, hardship is determined by comparing the operating position of the property in the current year with the operating position in a representative two year period. Prior to this change the base period used, had to be a representative period preceding the maximum rent date. From now on the base period may be any representative consecutive two year period beginning on or after January 1, 1939.

This change in the regulation regarding the base period will prove advantageous to many owners of rental property. A landlord now may select as his base period any consecutive two years operation since January 1, 1939 which is representative of his normal operations. Many property owners who have no financial records or no rental history for the period prior to the maximum rent date may now qualify for adjustment under this section. For example, prior to the amendment a landlord who had not kept books for the required representative period prior to the maximum rent date or a purchaser of rental property who was unable to obtain operating records for the base period from the previous owner or a property owner whose housing accommodations were not rented during the base period preceding the maximum rent date were unable to obtain relief. This amendment will now permit these classes of landlords to qualify for adjustment if they can establish hardship and some of their rents are below comparability.

To qualify for an adjustment under this section a landlord must show that he has had a decrease in net income (before interest) and an increase in property taxes or operating costs between the

[1] 11 F. R. 4016, 5824, 8149, 8163, 10659, 12094.

base period and the current year. If he can establish this, the amount of the adjustment will be the lesser of the two. Adjustments, however, as heretofore will be limited to the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date.

The amendment also deletes the provision that wage increases granted by the landlord must generally be approved by the appropriate wage or salary stabilization agency of the United States in order to be considered as part of the property's increased operating cost. This change was made necessary with the termination of the controls over wages and salaries exercised by the National Wage Stabilization Board and the Office of Economic Stabilization.

These changes in section 5 (a) (12) are made by (1) rewording the first paragraph; (2) deleting the third and the last unnumbered paragraphs, respectively; and (3) adding to the present fourth unnumbered paragraph a subparagraph defining "prior representative period." The sixth unnumbered paragraph of section 5 is also reworded to make explicit the measure of adjustment applicable to cases under section 5 (a) (12).

Corresponding changes are made in the Rent Regulation for Housing in the New York City Defense-Rental Area, the Rent Regulation for Housing in the Atlantic County Defense-Rental Area, the Rent Regulation for Housing in the Miami Defense-Rental Area.

In the judgment of the Temporary Controls Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-1298; Filed, Feb. 7, 1947; 11:41 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service, Department of the Interior

PART 01—ORGANIZATION AND PROCEDURE

DELEGATIONS OF AUTHORITY

CROSS REFERENCE: For an addition to the list of delegations of authority contained in §§ 01.50–01.54, see Title 43, Part 4, *Infra*, delegating to the Regional Counsels of the National Park Service certain functions relating to the administrative adjustment of tort claims.

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order No. 2293]

PART 4—DELEGATIONS OF AUTHORITY

ADMINISTRATIVE ADJUSTMENT OF TORT CLAIMS

Section 4.21 of Part 4 (11 F. R. 9576) is amended to read as follows:

§ 4.21 *Administrative adjustment of tort claims.* (a) The Solicitor of the Department of the Interior is authorized to exercise, execute, and perform any and all powers, authority, and functions conferred upon the Secretary of the Interior by the Federal Tort Claims Act.

(b) The General Counsel of the Bonneville Power Administration, the Chief Counsel of the Southwestern Power Administration, the Counsel at Large in Alaska, the Regional Counsels of the Bureau of Reclamation, the District Counsels of the Bureau of Indian Affairs, and the Regional Counsels of the National Park Service are severally authorized to consider, ascertain, adjust, determine, and settle, pursuant to the provisions of section 403 of the Federal Tort Claims Act, any claim against the United States based upon an act or omission of an employee of the Department of the Interior where the total amount of the claim does not exceed $500, and, without considering its merits, to reject any claim which is for an amount in excess of $1,000.

(c) Any claimant who is dissatisfied with the determination made under paragraph (b) of this section regarding his claim may take an appeal to the Solicitor of the Department of the Interior within 15 days after receiving notice of such determination. Written notice of his desire to take an appeal shall be given by the claimant to the official who made the determination upon his claim, and such official shall thereupon promptly transmit to the Solicitor all documents and other data relating to the claim. (R. S. 161, secs. 403, 422, Pub. Law 601, 79th Cong.; 5 U. S. C. 22.)

J. A. KRUG,
Secretary of the Interior.

JANUARY 31, 1947.

[F. R. Doc. 47-1177; Filed, Feb. 7, 1947; 8:45 a. m.]

Chapter II—Bureau of Reclamation, Department of the Interior

PART 400—ORGANIZATION AND PROCEDURE

DELEGATIONS OF AUTHORITY

CROSS REFERENCE: For an addition to the list of delegations of authority contained in §§ 400.40–400.47, see Part 4 of this title, delegating to the Regional Counsels of the Bureau of Reclamation certain functions relating to the administrative adjustment of tort claims.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RULES GOVERNING RADIO BROADCAST SERVICES

ORDER ADOPTING AMENDMENTS

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C. on the 31st day of January 1947:

Whereas, the Commission has had under consideration the amendments to the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, and

Whereas, the proposed amendments had been widely discussed with interested persons, specifically with Engineering Committees appointed to advise the Commission in the matter of Clear Channel Broadcasting in the Standard Broadcast Band (Docket 6741) with Industry Committees meeting to advise the Commission concerning proposals to be made to the North American Regional Radio-Engineering Meeting concerning the extension of the North American Regional Broadcasting Agreement and testimony concerning these amendments was taken in the hearing being held in Docket No. 6741, and

Whereas, general notice of proposed rule making in respect thereto has been published in accordance with section 4 (a) of the Administrative Procedure Act under date of December 20, 1946 and January 16, 1947, and

Whereas, the amendments are issued under the authority of sections 303 (b), 303 (f) and 303 (r) of the Communications Act of 1934, as amended, and

Whereas, suggestions and comments pertaining to the proposed revisions have been filed with the Commission, and

Whereas, the Commission has considered carefully all such suggestions and comments, has made certain revisions in the amendments by reason of the suggestions and comments received, and

Whereas, the public interest, convenience, and necessity will be served by the adoption of the proposed amendments to the Standards of Good Engineering Practice Concerning Standard Broadcast Stations,

Now, therefore, it is ordered, That the Standards of Good Engineering Practice Concerning Standard Broadcast Stations are hereby amended to the following extent:

a. The method for computing RSS interference appearing under section 1, Engineering Standards of Allocation, of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, in the paragraph beginning "With respect to the root-sum-square values of interfering field intensities . . ." and ending with "N is the number of interfering signals of approximately the same value." (page 7, second paragraph) is amended to read as follows:

With respect to the root-sum-square values of interfering field intensities referred to herein, except in the case of Class IV stations on Local Channels, calculation is accomplished by considering the signals in order of decreasing magnitude, adding the squares of the values and extracting the square root of the sum, excluding those signals which are less than 50% of the RSS value of the higher signals already included.

The RSS value will not be considered to be increased when a new interfering signal is added which is less than 50% of the RSS value of the interference from existing stations, and which at the same time is not greater than the smallest signal included in the RSS value of interference from existing stations.

It is recognized that application of the above "50% exclusion" method of calculating the RSS interference may result in some cases in anomalies wherein the addition of a new interfering signal or the increase in value of an existing interfering signal will cause the exclusion of a previously included signal and may cause a decrease in the calculated RSS value of interference. In order to provide the Commission with more realistic information regarding gains and losses in service (as a basis for determination of the relative merits of a proposed operation) the following alternate method for calculating the proposed RSS values of interference will be employed whereever applicable.

In the cases where it is proposed to add a new interfering signal which is not less than 50% of the RSS value of interference from existing stations or which is greater than the smallest signal already included to obtain this RSS value, the RSS limitation after addition of the new signal shall be calculated without excluding any signal previously included. Similarly, in cases where it is proposed to increase the value of one of the existing interfering signals which has been included in the RSS value, the RSS limitation after the increase shall be calculated without excluding the interference from any source previously included.

If the new or increased signal proposed in such cases is ultimately authorized, the RSS values of interference to other stations affected will thereafter be calculated by the "50% exclusion" method without regard to this alternate method of calculation.

Examples of RSS interference calculations:

1. Existing interferences:

Station No. 1—1.0 mv/m.
Station No. 2—0.60 mv/m.
Station No. 3—0.59 mv/m.
Station No. 4—0.58 mv/m.

The RSS value from Nos. 1, 2 and 3 is 1.31 mv/m: therefore interference from No. 4 is excluded for it is less than 50% of 1.31 mv/m.

2. Station A receives interference from:

Station No. 1—1.0 mv/m.
Station No. 2—0.60 mv/m.
Station No. 3—0.58 mv/m.

It is proposed to add a new limitation—0.68 mv/m. This is more than 50% of 1.31 mv/m, the RSS value of Nos. 1, 2 and 3. The RSS value of Station No. 1 and of the proposed station would be 1.21 mv/m which is more than twice as large as the limitation from Station No. 2 or No. 3. However, under the above provision the new signal and the three existing interferences are nevertheless calculated for purposes of comparative studies, resulting in an RSS value of 1.47 mv/m. However, if the proposed station is ultimately authorized, only No. 1 and the new signal are included in all subsequent calculations for the reason that Nos. 2 and 3 are less than 50% of 1.21 mv/m, the RSS value of the new signal and No. 1.

3. Station A receives interference from:

Station No. 1—1.0 mv/m.
Station No. 2—0.60 mv/m.
Station No. 3—0.59 mv/m.

No. 1 proposes to increase the limitation it imposes on Station A to 1.21 mv/m. Although the limitations from stations Nos. 2 and 3 are less than 50% of the 1.21 mv/m limitation under the above provision, they are nevertheless included for comparative studies, and the RSS limitation is calculated to be 1.47 mv/m. However, if the increase proposed by Station No. 1 is authorized, the RSS value then calculated is 1.21 mv/m because Stations Nos. 2 and 3 are excluded in view of the fact that the limitations they impose are less than 50% of 1.21 mv/m.

b. The method for computing the nighttime limitation on local channels is set forth under section 1, Engineering Standards of Allocation, of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, by amending that portion of the paragraph beginning "Class IV stations operate on local channels * * *" and ending "On local channels the separation required for the daytime protection shall also determine the nighttime separation." (lines 7 to 13 on page 3) to read as follows:

Class IV stations operate on local channels normally rendering primary service only to a city or town and the suburban and rural areas contiguous thereto with powers not less than 0.1 kw or more than 0.25 kw. These stations are normally protected to 500 uv/m groundwave contour daytime. On local channels the separation required for the daytime protection shall also determine the nighttime separation. The actual nighttime limitation will be calculated.[3a]

[3a] The following approximate method may be used. It is based on the assumption of 0.25 wavelength antenna height and 88 mv/m at one mile effective field for 250 watts power, using the 10% skywave field intensity curve of Figure 1-A. Zones defined by circles of various radii specified below are drawn about the desired station and the interfering 10% skywave signal from each station in a given zone is considered to be the value tabulated below. The effective interfering 10% skywave signal is taken to be the RSS value of all signals originating within these zones. (Stations beyond 500 miles are not considered.)

Zone	Inner radius	Outer radius	10 percent skywave signal (mv/m)
A		60	0.10
B	60	80	.12
C	80	100	.14
D	100	250	.16
E	250	350	.14
F	350	450	.12
G	450	500	.10

Where the power of the interfering station is not 250 watts, the 10% skywave signal should be adjusted by the square root of the ratio of the power to 250 watts.

c. The method for determining adjacent channel groundwave interference to secondary service set forth under section 1, Engineering Standards of Allocation, of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, by footnote 3 (page 1) is revised by amendment of said footnote 3 to read as follows:

[3] The secondary service area of a Class I station is not protected from adjacent channel interference. However, if it is desired to make a determination of the area in which adjacent channel groundwave interference (10 kc removed) to skywave service exists, it may be considered as the area where the ratio of the desired 50% skywave of the Class I station to the undesired groundwave of a station 10 kc removed is 1 to 4.

d. The standards concerning interference ratios and mileage separation of stations are amended by the following changes:

1. That portion of section 1, Engineering Standards of Allocation, of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, consisting of the paragraphs beginning with "The night separation tables . . ." and ending with Table VIII–H, inclusive (pages 10 through 16) is amended to read as follows:

The following table is to be used for determining the minimum ratio of the field intensity of a desired to an undesired signal for interference free service. In the case of a desired groundwave signal interfered with by two or more skywave signals on the same frequency, the RSS value of the latter is used.

TABLE—INTERFERENCE RATIOS

Frequency separation of desired to undesired signals—	Desired groundwave to—		Desired 50 percent skywave to undesired 10 percent skywave
	Undesired groundwave	Undesired 10 percent skywave	
0 kc	20:1	20:1	20:1
10 kc	1:1	1:5	(1)
20 kc	1:30		

[1] See footnote 3, p. 1.

(The Commission has ordered a hearing with respect to what changes should be made in the Standards concerning the assignment of two stations with the same general groundwave service area for operation with a frequency separation of 30 kc or less. Until a decision is rendered with respect to this matter, the provisions in the Standards in effect on and prior to February 7, 1947 shall govern, including any relevant material contained in the Standards on pages 10 through 16.)

Two stations, one with a frequency twice that of the other, should not be assigned in the same groundwave service area unless special precautions are taken to avoid interference from the second harmonic of the lower frequency. In selecting a frequency, consideration should be given to the fact that occasionally the frequency assignment of two stations in the same area may bear such a relation to the intermediate frequency of some broadcast receivers as to cause so-called "image" interference. However, since this can usually be rectified by readjustment of the intermediate frequency of such receivers, the Commission in general will not take this kind of interference into consideration in allocation problems.

Two stations operating with synchronized carriers[2] and carrying the identical program will have their groundwave service subject to some distortion in areas where the signals from the two stations are of comparable intensity. For the purpose of estimating coverage of such stations areas in which the signal ratio is between 1 to 2 and 2 to 1 will not be considered as having satisfactory service.

2. That portion of section 1, Engineering Standards of Allocation, of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, beginning with the second sentence of the paragraph following Table III and ending with the sentence "This rating in kilowatts shall be applied in the use of mileage separation tables or in computing interference from the propagation curves.[10]" (page 8) is amended to read as follows: "To determine the interference in any direction, in the absence of actual interference measurements, the measured or calculated radiated field (unabsorbed field intensity at one mile from the array) must be used in conjunction with the appropriate propagation curves.[10]"

3. That portion of section 1, Engineering Standards of Allocation, of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, consisting of subparagraph (c) of the paragraph beginning "The existence or absence of objectionable interference from stations on the same or adjacent channels * * *" (page 8) is deleted.

4. That portion of section 1, Engineering Standards of Allocation, of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, consisting of the two paragraphs beginning "Table VI gives the required day separation * * *" and ending "* * * to modify the mileage separation accordingly.[12]" (page 9) is deleted. (Note that footnote 13 is retained, however.)

5. That portion of Annex I of section 1, Engineering Standards of Allocation, of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, consisting of the tenth sentence of the sixth paragraph thereof (page 18) is amended to read: "Since the stations are separated by 10 kc, the undesired signal at that point can have a value up to 500 uv/m without interference, but if the interference signal had been found to be greater than this value, then interference would have been determined."

6. That portion of Annex I of section 1, Engineering Standards of Allocation, of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, appearing in the eleventh sentence of the sixth paragraph thereof (page 18), which reads "* * * or 25 times when the frequency separation is 20 kc." is deleted.

e. It is proposed to amend the Standards of Good Engineering Practice Concerning Standard Broadcast Stations by adding Figure 1–A (10% Skywave Signal Range Chart) and Figure 6–A (Angles of Departure vs. Transmission Range) to the Standards, which figures are attached hereto. Figures 1–A and 6–A will not affect clear channel frequencies.

f. The standards concerning the calculation of skywave signals are amended by the following changes:

1. That portion of section 1, Engineering Standards of Allocation, of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, consisting of subparagraph (b) of the paragraph beginning "The existence or absence of objectionable interference from stations on the same or adjacent channels * * *" (page 8) is amended to read as follows:

(b) By reference to the propagation curves in Figure 1 or Figure 1–A, and Appendix I.

2. That portion of section 1, Engineering Standards of Allocation, of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, consisting of the fourth paragraph following Table III, beginning "In computing the distance to the 50 percent sky wave field intensity contour of a Class I station * * *" (page 9) is amended to read as follows:

In computing the 50 percent skywave field intensity values of a Class I station of a given power and also in computing the 10% skywave field intensity of an alleged interfering Class I or Class II station on a clear channel, use shall be made of the appropriate graph set forth in Figure 1 entitled "Average Skywave Field Intensity" (corresponding to the second hour after sunset at the recording station). These graphs are drawn for a radiated field of 100 millivolts per meter at 1 mile on the horizontal plane from a 0.311 antenna. In computing the 10 percent skywave field intensity of an alleged interfering station, other than Class I or Class II, at a specified distance, use shall be made of the appropriate curve in Figure 1–A entitled "10% Sky wave Signal Range". This graph is drawn for a radiated field of 100 millivolts per meter at 1 mile at the vertical angle pertinent to transmission by one reflection. This curve supersedes the 10% skywave curve of Figure 1, only for regional and local channels at the present time.[13] Adoption of revised skywave curves for use on clear channels will await the outcome of the Clear Channel Hearing (Docket No. 6741) and the negotiations for a new North American Regional Broadcasting Agreement.

3. That portion of Annex I of section 1, Engineering Standards of Allocation, of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, consisting of the last sentence of the sixth paragraph thereof (page 18) is amended to read as follows: "In this case the interference must be estimated on the basis of the sky wave interference and the propagation curve in Figure 1 or Figure 1–A, used to determine the interfering signals rather than Figure 4 for the ground wave signals."

4. That portion of Annex II of section 1, Engineering Standards of Allocation, of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, consisting of paragraph 2 thereof (page 18) is amended by prefixing the following phrase: "For signals from stations operating on clear channels, * * *

5. Annex II of section 1, Engineering Standards of Allocation, of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations (page 19) is amended by the insertion of the following paragraphs immediately before the last paragraph thereof:

For signals from stations on regional and local channels, in computing the 10% skywave (interference) field intensity values of Class III and Class IV stations,[13a] Fig. 1–A is to be used in place of Figure 1. Since Figure 1–A is predicated upon a radiated field of 100 mv/m at one mile in the pertinent direction, no comparison with the vertical pattern of a 0.311 wavelength antenna is to be made. Instead the appropriate radiated field in the vertical plane corresponding to the distance to the receiving station, divided by 100, is multiplied into the value of 10% skywave field intensity determined from Figure 1–A. There are two new factors to be considered, however, namely the variation of received field with latitude of the path and the variation of pertinent vertical angle due

[2] Two stations are considered to be operated synchronously when the carriers are maintained within one-fifth of a cycle per second of each other and they transmit identical programs.

[13] The Commission will not authorize a directional antenna for a Class IV station assigned to a local channel.

[13a] Certain simplifying assumptions may be made in the case of Class IV stations on local channels; See footnote 3a.

to variations of ionosphere height and ionosphere scattering.

Figure 1–A, "10% Skywave Signal Range Chart," shows the 10% skywave signal as a function of the latitude of the transmission path and the distance from a transmitting antenna with a radiated field of 100 mv/m at the pertinent angle for the distance. The latitude of the transmission path is defined as the geographic latitude of the midpoint between the transmitter and the receiver. Latitude 35° should be used in case the midpoint of the path lies below 35° North and latitude 50° should be used in case the midpoint of the path lies above 50° North.

Figure 6–A, entitled "Angles of Departure vs. Transmission Range," is to be used in determining the angles in the vertical pattern of the antenna of an interfering station to be considered as pertinent to transmission by one reflection. Corresponding to any given distance, the curves 4 and 5 indicate the upper and lower angles within which the radiated field is to be considered. The maximum value of field intensity occurring between these angles will be used to determine the multiplying factor for the 10% skywave field intensity determined from Figure 1–A. (Curves 2 and 3 are considered to represent the variation due to the variation of the effective height of the E–layer while Curves 4 and 5 extend the range of pertinent angles to include a factor which allows for scattering. The dotted lines are included for information only.)

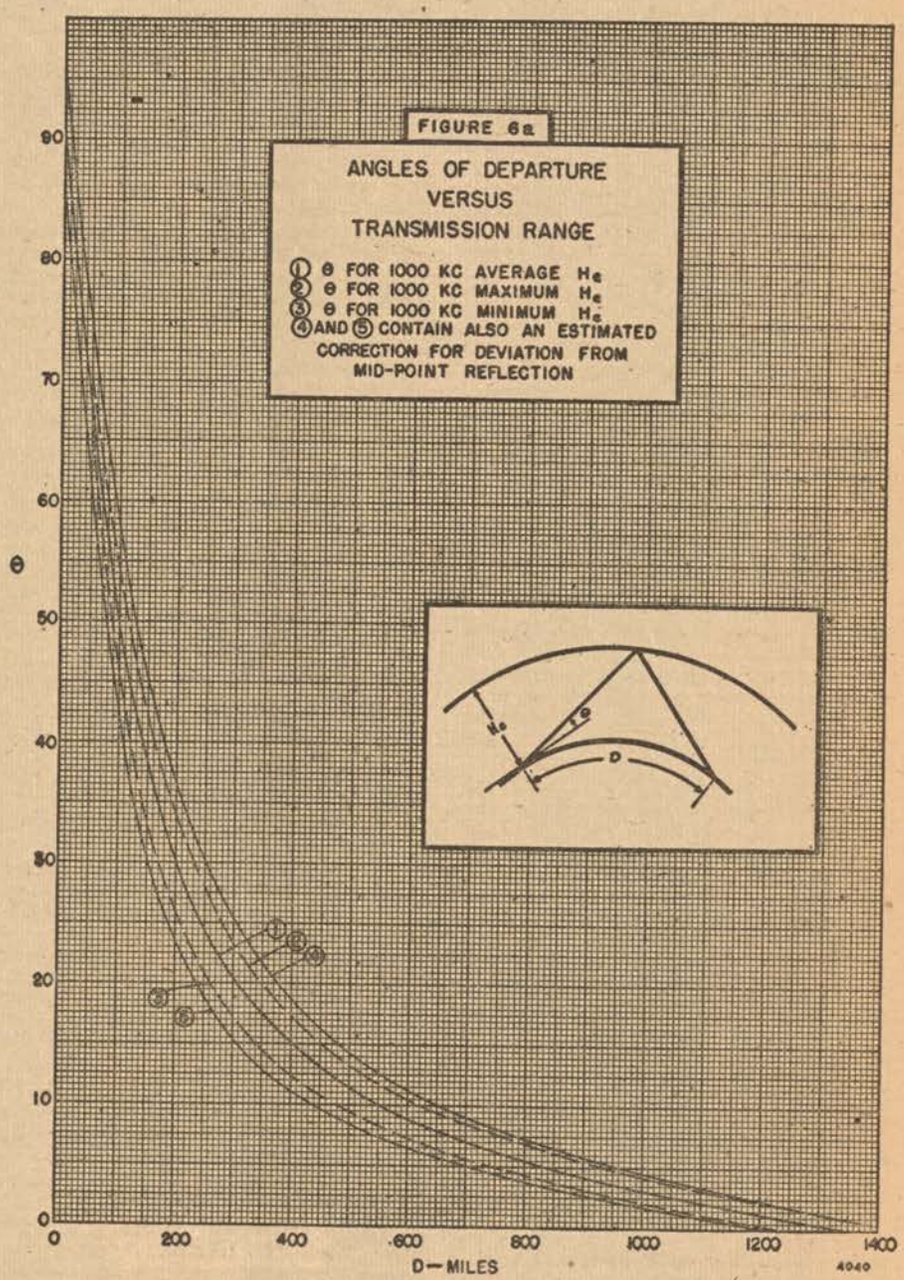
In the case of non-directional vertical antennas, the vertical distribution of relative fields for several heights, assuming sinusoidal distribution of current along the antenna, is shown in Figure 5. In the case of directional antennas the vertical pattern in the great circle direction toward the point of reception in question must first be calculated. Then for the distance to the points, the upper and lower pertinent angles are determined from Figure 6–A. The ratio of the largest value of radiated field occurring between these angles, to 100 mv/m (for which Figure 1–A is drawn) is then used as the multiplying factor for the value of the field read from the curves of Figure 1–A. Note that while the accuracy of the curves is not as well established by measurements for distances less than 250 miles as for distances in excess of 250 miles, the curves represent the most accurate data available today. Pending accumulation of additional data to establish firm standards for skywave calculations in this range, the curves may be used. In cases where the radiation in the vertical plane, in the pertinent azimuth, contains a large lobe at a higher angle than the pertinent angle for one reflection, the method of calculating interference will not be restricted to that described above, but each such case will be considered on the basis of the best knowledge available.

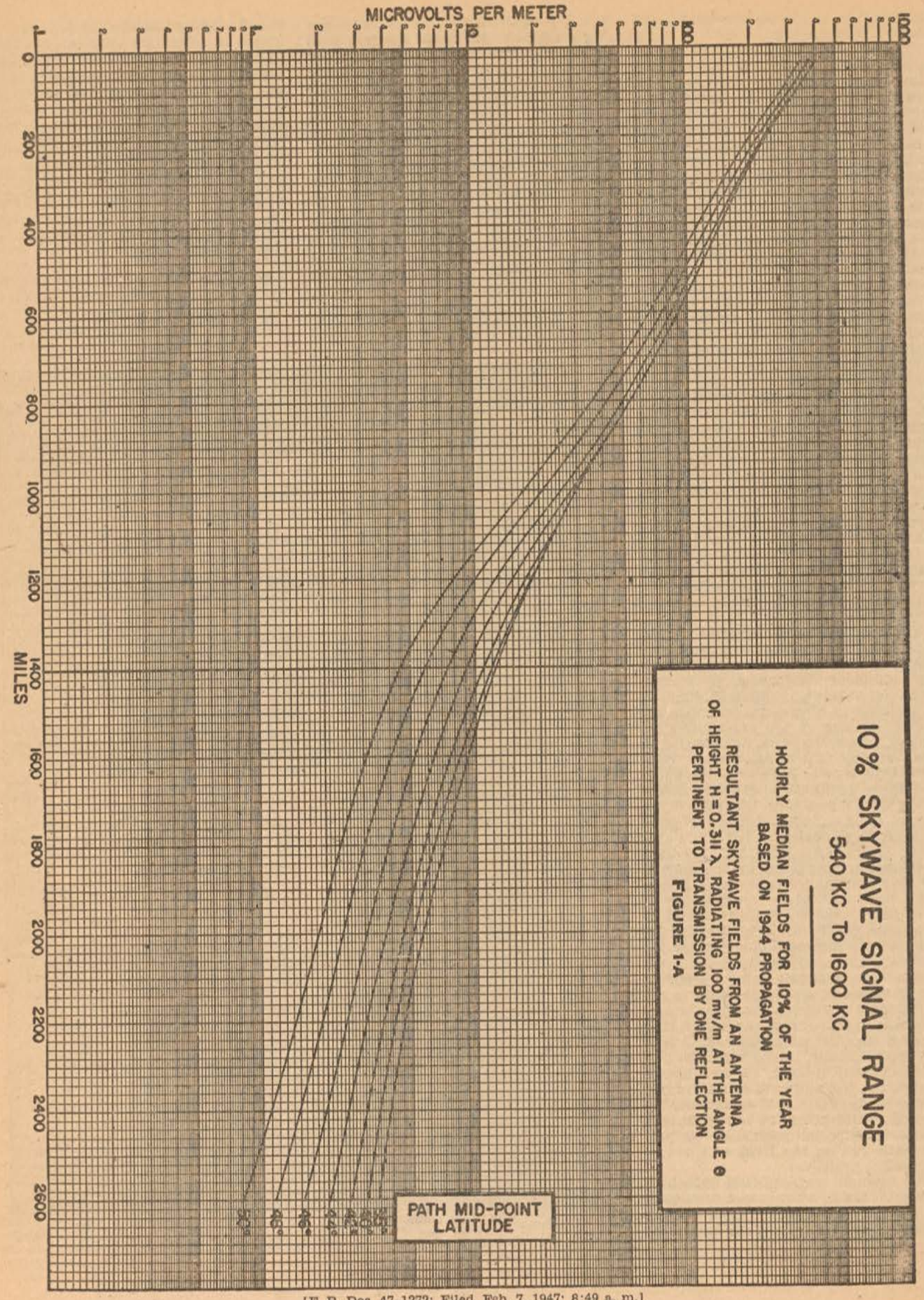
For example, suppose it is desired to determine the amount of interference to a Class III station at Portland, Oregon, caused by another Class III station at Los Angeles, California, which is radiating a signal of 560 mv/m unattenuated at one mile in the great circle direction of Portland, using a 0.5 wavelength antenna. The distance is 825 miles. From Figure 6–A the upper and lower pertinent angles are 7° and 3.5° and, from figure 5 the maximum radiation within these angles is 99% of the horizontal radiation or 554 mv/m at 1 mile. The latitude of the path is 39.8° N and from Figure 1–A, the 10% skywave field at 825 miles is 0.050 mv/m for 100 mv/m radiated. Multiplying by 554/100 to adjust the value to the actual radiation gives 0.277 mv/m. At 20 to 1 ratio the limitation to the Portland stations is to the 5.5 mv/m contour.

These amendments shall become effective February 10, 1947. The Commission finds that less than 30 days are required to effectuate these amendments because they have the effect of granting certain exemptions, relieving certain restrictions and facilitating the filing and processing of applications in furtherance of the Temporary Expediting Procedure for Standard Broadcast Applications adopted by the Commission on January 8, 1947 and published in the FEDERAL REGISTER on January 16, 1947.

(Secs. 303 (b), 303 (f), 48 Stat. 1082, sec. 303 (r), 50 Stat. 191; 47 U. S. C. 303 (b), 303 (f), 303 (r))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.





[F. R. Doc. 47-1272; Filed, Feb. 7, 1947; 8:49 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Internal Revenue

[26 CFR, Part 82]

FEDERAL ESTATE TAXATION PURSUANT TO DEATH DUTY CONVENTION BETWEEN THE UNITED STATES AND THE UNITED KINGDOM

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of section 3791 of the Internal Revenue Code (53 Stat. 467; 26 U. S. C. 3791) and pursuant to the provisions of Chapter 3 of the Internal Revenue Code (53 Stat. 119; 26 U. S. C. 800 et seq.) and the convention between the United States and the United Kingdom pertaining to death duties proclaimed by the President of the United States on July 30, 1946.

Sec.

§ 82.101 *Proclamation of President, text of convention, and statutory provisions authorizing regulations.* The proclamation of the President of the United States, containing the text of the convention between the United States and the United Kingdom of Great Britain and Northern Ireland relating to Federal estate taxes and the estate duties imposed in Great Britain and Northern Ireland (hereinafter referred to as the convention), is set forth below:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas a convention between the United States of America and the United Kingdom of Great Britain and Northern Ireland for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on the estates of deceased persons was signed by their respective Plenipotentiaries at Washington on April 16, 1945, the original of which convention is word for word as follows:

The Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland,

Desiring to conclude a convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on the estates of deceased persons,

Have appointed for that purpose as their respective Plenipotentiaries:

The Government of the United States of America:

Mr. Edward R. Stettinius, Jr., Secretary of State, and

The Government of the United Kingdom of Great Britain and Northern Ireland:

The Right Honorable the Earl of Halifax, K. G., Ambassador Extraordinary and Plenipotentiary in Washington,

Who, having exhibited their respective full powers, found in good and due form, have agreed as follows:

ARTICLE I

(1) The taxes which are the subject of the present Convention are:

(a) In the United States of America, the Federal estate tax, and

(b) In the United Kingdom of Great Britain and Northern Ireland, the estate duty imposed in Great Britain.

(2) The present Convention shall also apply to any other taxes of a substantially similar character imposed by either Contracting Party subsequently to the date of signature of the present Convention or by the government of any territory to which the present Convention applies under Article VIII or Article IX.

ARTICLE II

(1) In the present Convention, unless the context otherwise requires:

(a) The term "United States" means the United States of America, and when used in a geographical sense means the States, the Territories of Alaska and of Hawaii, and the District of Columbia.

(b) The term "Great Britain" means England, Wales and Scotland, and does not include the Channel Islands or the Isle of Man.

(c) The term "territory" when used in relation to one or the other Contracting Party means the United States or Great Britain, as the context requires.

(d) The term "tax" means the estate duty imposed in Great Britain or the United States Federal estate tax, as the context requires.

(2) In the application of the provisions of the present Convention by one of the Contracting Parties, any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the laws of that Contracting Party relating to the tax which are the subject of the present Convention.

ARTICLE III

(1) For the purposes of the present Convention, the question whether a decedent was domiciled in any part of the territory of one of the Contracting Parties at the time of his death shall be determined in accordance with the law in force in that territory.

(2) Where a person dies domiciled in any part of the territory of one Contracting Party, the situs of any of the following rights or interests, legal or equitable, which for the purposes of tax form part of the estate of such person or pass on his death, shall, for the purposes of the imposition of tax and for the purposes of the credit to be allowed under Article V, be determined exclusively in accordance with the following rules, but in cases not within such rules the situs of such rights and interests shall be determined for those purposes in accordance with the Law relating to tax in force in the territory of the other Contracting Party:

(a) Rights or interests (otherwise than by way of security) in or over immovable property shall be deemed to be situated at the place where such property is located;

(b) Rights or interests (otherwise than by way of security) in or over tangible movable property, other than such property for which specific provision is hereinafter made, and in or over bank or currency notes, other forms of currency recognized as legal tender in the place of issue, negotiable bills of exchange and negotiable promissory notes, shall be deemed to be situated at the place where such property, notes, currency or documents are located at the time of death, or, if *in transitu*, at the place of destination;

(c) Debts, secured or unsecured, other than the forms of indebtedness for which specific provision is made herein, shall be deemed to be situated at the place where the decedent was domiciled at the time of death;

(d) Shares or stock in a corporation other than a municipal or governmental corporation (including shares or stock held by a nominee where the beneficial ownership is evidenced by scrip certificates or otherwise) shall be deemed to be situated at the place in or under the laws of which such corporation was created or organized;

(e) Monies payable under a policy of assurance or insurance on the life of the decedent shall be deemed to be situated at the place where the decedent was domiciled at the time of death;

(f) Ships and aircraft and shares thereof shall be deemed to be situated at the place of registration or documentation of the ship or aircraft;

(g) Goodwill as a trade, business or professional asset shall be deemed to be situated at the place where the trade, business or profession to which it pertains is carried on;

(h) Patents, trademarks and designs shall be deemed to be situated at the place where they are registered;

(i) Copyright, franchises, and rights or licenses to use any copyrighted material, patent, trademark or design shall be deemed to be situated at the place where the rights arising therefrom are exercisable;

(j) Rights or causes of action *ex delicto* surviving for the benefit of an estate of a decedent shall be deemed to be situated at the place where such rights or causes of action arose;

(k) Judgment debts shall be deemed to be situated at the place where the judgment is recorded;

Provided That if, apart from this paragraph, tax would be imposed by one Contracting Party on any property which is situated in its territory and passes under a disposition not governed by its law, this paragraph shall not apply to such property unless, by reason of its application or otherwise, tax is imposed or would but for some specific exemption be imposed thereon by the other Contracting Party.

ARTICLE IV

(1) In determining the amount on which tax is to be computed, permitted deductions shall be allowed in accordance with the law in force in the territory in which the tax is imposed.

(2) Where tax is imposed by one Contracting Party on the death of a person who at the time of his death was not domiciled in any part of the territory of that Contracting Party but was domiciled in some part of the territory of the other Contracting Party, no account shall be taken in determining the amount or rate of such tax of property situated outside the former territory: *Provided*, That this paragraph shall not apply as respects tax imposed—

(a) In the United States in the case of a United States citizen dying domiciled in any part of Great Britain; or

(b) In Great Britain in the case of property passing under a disposition governed by the law of Great Britain.

ARTICLE V

(1) Where one Contracting Party imposes tax by reason of a decedent's being domiciled in some part of its territory or being its national, that Party shall allow against so much of its tax (as otherwise computed) as is attributable to property situated in the territory of the other Contracting Party, a credit (not exceeding the amount of the tax so attributable) equal to so much of the tax imposed in the territory of such other Party as is attributable to such property; but this paragraph shall not apply as respects any such property as is mentioned in paragraph (2) of this Article.

(2) Where each Contracting Party imposes tax by reason of a decedent's being domiciled in some part of its territory, each Party shall allow against so much of its tax (as otherwise computed) as is attributable to property which is situated, or is deemed under paragraph (2) of Article III to be situated,

(a) In the territory of both Parties, or

(b) Outside both territories,

a credit which bears the same proportion to the amount of its tax so attributable or to the amount of the other Party's tax attributable to the same property, whichever is the less, as the former amount bears to the sum of both amounts.

(3) For the purposes of this Article, the amount of the tax of a Contracting Party attributable to any property shall be ascertained after taking into account any credit, allowance or relief, or any remission or reduction of tax, otherwise than in respect of tax payable in the territory of the other Contracting Party or in any other country; and if, in respect of property situated outside the territories of both Parties, a Contracting Party allows against its tax a credit for tax payable in the country where the property is situated, that credit shall be taken into account in ascertaining, for the purposes of paragraph (2) of this Article, the amount of the tax of that Party attributable to the property.

ARTICLE VI

(1) Any claim for a credit or for a refund of tax founded on the provisions of the present Convention shall be made within six years from the date of the death of the decedent in respect of whose estate the claim is made, or, in the case of a reversionary interest where payment of tax is deferred until on or after the date on which the interest falls into possession, within six years from that date.

(2) Any such refund shall be made without payment of interest on the amount so refunded.

ARTICLE VII

(1) The taxation authorities of the Contracting Parties shall exchange such information (being information available under the respective taxation laws of the Contracting Parties) as is necessary for carrying out the provisions of the present Convention or for the prevention of fraud or the administration of statutory provisions against legal avoidance in relation to the taxes which are the subject of the present Convention. Any information so exchanged shall be treated as secret and shall not be disclosed to any person other than those concerned with the assessment and collection of the taxes which are the subject of the present Convention. No information shall be exchanged which would disclose any trade secret or trade process.

(2) As used in this Article, the term "taxation authorities" means, in the case of the United States, the Commissioner of Internal Revenue or his authorized representative; in the case of Great Britain, the Commissioners of Inland Revenue or their authorized representative; and, in the case of any territory to which the present Convention is extended under Article VIII, the competent authority for the administration in such territory of the taxes to which the present Convention applies.

ARTICLE VIII

(1) Either of the Contracting Parties may, on the coming into force of the present Convention or at any time thereafter while it continues in force, by a written notification of extension given to the other Contracting Party through diplomatic channels, declare its desire that the operation of the present Convention shall extend to all or any of its colonies, overseas territories, protectorates, or territories in respect of which it exercises a mandate, which impose taxes substantially similar in character to those which are the subject of the present Convention. The present Convention shall apply to the territory or territories named in such notification as to the estates of persons dying on or after the date or dates specified in the notification (not being less than sixty days from the date of the notification) or, if no date is specified in respect of any such territory, on or after the sixtieth day after the date of such notification, unless, prior to the date on which the Convention would otherwise become applicable to a particular territory, the Contracting Party to whom notification is given shall have informed the other Contracting Party in writing through diplomatic channels that it does not accept such notification as to that territory. In the absence of such extension, the present Convention shall not apply to any such territory.

(2) At any time after the expiration of one year from the entry into force of an extension under paragraph (1) of this Article, either of the Contracting Parties may, by written notice of termination given to the other Contracting Party through diplomatic channels, terminate the application of the present Convention to any territory to which it has been extended under paragraph (1), and in such event the present Convention shall cease to apply, as to the estates of persons dying on or after the date or dates (not being earlier than the sixtieth day after the date of such notice) specified in such notice, or, if no date is specified, on or after the sixtieth day after the date of such notice, to the territory or territories named therein, but without affecting its continued application to the United States, Great Britain or to any other territory to which it has been extended under paragraph (1) hereof.

(3) In the application of the present Convention in relation to any territory to which it is extended by the United States or the United Kingdom, references to "United States" or, as the case may be, "Great Britain," or to the territory of one (or of the other) Contracting Party, shall be construed as references to that territory.

(4) The provisions of the preceding paragraphs of this Article shall apply to the Channel Islands and the Isle of Man as if they were colonies of the United Kingdom.

ARTICLE IX

The present Convention shall apply in relation to estate duty imposed in Northern Ireland as it applies in relation to estate duty imposed in Great Britain, but shall be separately terminable in respect of Northern Ireland by the same procedure as is laid down in paragraph (2) of Article VIII.

ARTICLE X

(1) The present Convention shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible.

(2) The present Convention shall come into force on the date of exchange of ratifications and shall be effective only as to

(a) The estates of persons dying on or after such date; and

(b) The estate of any person dying before such date and after the 31st day of December 1944, whose personal representative elects, in such manner as may be prescribed, that the provisions of the present Convention shall be applied to such estate.

ARTICLE XI

(1) The present Convention shall remain in force for not less than three years after the date of its coming into force.

(2) If not less than six months before the expiration of such period of three years, neither of the Contracting Parties shall have given to the other Contracting Party, through diplomatic channels, written notice of its intention to terminate the present Convention, the Convention shall remain in force after such period of three years until either of the Contracting Parties shall have given written notice of such intention, in which event the present Convention shall not be effective as to the estates of persons dying on or after the date (not being earlier than the sixtieth day after the date of such notice) specified in such notice, or, if no date is specified, on or after the sixtieth day after the date of such notice.

In witness whereof the above-mentioned Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done at Washington, in duplicate, on the 16th day of April 1945.

For the Government of the United States of America:

[SEAL] E. R. STETTINIUS, Jr.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

[SEAL] HALIFAX.

And whereas the said convention has been ratified by both Governments, and the instruments of ratification of the two Governments were exchanged at Washington on the twenty-fifth day of July 1946;

And whereas it is provided in Article X of the said convention that on the date of the exchange of ratifications the convention shall be effective as to the estates of persons dying on or after such date, and as to the estate of any person dying before such date and after the thirty-first day of December 1944, whose personal representative elects, in such manner as may be prescribed, that the provisions of the said convention shall be applied to such estate;

Now, therefore, be it known that I, Harry S. Truman, President of the United States of America, do hereby proclaim and make public the said convention to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America, and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof, the said convention being deemed to have effect as provided in Article X thereof, as aforesaid.

In testimony whereof, I have hereunto set my hand and caused the Seal of the United States of America to be hereunto affixed.

Done at the city of Washington this thirtieth day of July in the year of our Lord one thousand nine hundred forty-six and of the Independence of the United States of America the one hundred seventy-first.

[SEAL] HARRY S. TRUMAN.

By the President:

DEAN ACHESON,
Acting Secretary of State.

Section 3791 of the Internal Revenue Code provides as follows:

(a) *Authorization.*

(1) *In general.* * * * the Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this title.

(2) *In case of change in law.* The Commissioner may make all such regulations, not otherwise provided for, as may have become necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary, or the Commissioner with the approval of the Secretary, may prescribe the extent, if any, to which any ruling, regulation, or Treasury decision, relating to the internal revenue laws, shall be applied without retroactive effect.

§ 82.102 *Scope of regulations.* Sections 82.101 to 82.109, inclusive, pertain to the application of the Federal estate tax as modified under the provisions of the convention in the case of a decedent who at time of death was domiciled in either the United States or the United Kingdom of Great Britain and Northern Ireland, or was a citizen of the United States, and whose death occurred:

(a) On or after July 25, 1946, the date of exchange of ratifications, or

(b) After December 31, 1944 and before July 25, 1946, if the person charged with the duty of filing the return elects that the provisions of the convention shall be applied. Such election shall be made in a written statement filed in duplicate with the collector of internal revenue at the time the return is filed or as soon thereafter as possible. (Article X (2) of the convention.)

Sections 82.101 to 82.109, inclusive, also pertain to related administrative matters and to the furnishing of information by the tax authorities of each country to such authorities of the other country which may be needed in carrying out the provisions of the convention or in preventing fraud or avoidance with respect to the taxes which are the subject of the convention. (Article VII of the convention.)

The provisions of the convention are restricted to the estate tax imposed by the United States, the estate duty imposed in Great Britain, and the estate duty imposed in Northern Ireland, and do not comprehend any of the estate, inheritance, legacy, and succession taxes imposed by the States, Territories, the District of Columbia, and possessions of the United States or the legacy and succession duties imposed in Great Britain and Northern Ireland. (Articles I and IX of the convention.)

The credits against the Federal estate tax, authorized by section 813 (a) and section 936 of the Internal Revenue Code for Federal gift taxes and by section 813 (b) thereof for estate, inheritance, legacy, or succession taxes paid any State, Territory, the District of Columbia, or possession of the United States, are not affected. (Article V (3) of the convention.)

In the application of the provisions of the convention the estate duty imposed in Great Britain and the estate duty imposed in Northern Ireland are to be separately considered, and the term "United Kingdom" as used in §§ 82.101 to 82.109, inclusive, may either refer to Great Britain or Northern Ireland, depending upon the circumstances of the particular case.

§ 82.103 *Domicile and citizenship.* Determinations with respect to the decedent's domicile and citizenship at time of death are required in order to ascertain whether the estate is within the scope of the convention, and if so, such determinations are necessary for two further purposes, i. e., first, in order to ascertain the property that may be included in the application of the tax, and, second, in order to ascertain the credit for death duties authorized by the convention. For such purposes, domicile and citizenship shall be determined in accordance with the laws of the contracting country which imposes the tax by reason of the decedent's being domiciled therein or a citizen thereof. Where in a particular case only one of the contracting countries asserts tax by reason of the decedent's being domiciled therein, the other contracting country is bound by such determination of domicile for all purposes of the convention, and will not, for instance, in the imposition of its tax on the basis of situs of property disregard the situs rules established by Article III by contending that the decedent was domiciled in a third country. (Article III (1), Article IV (2) (a) and Article V of the convention.)

For the purpose of determining whether the decedent was domiciled in either contracting country at time of death, the United States includes the States thereof, the Territory of Alaska, the Territory of Hawaii, and the District of Columbia, and the United Kingdom of Great Britain and Northern Ireland includes Great Britain (England, Wales and Scotland) and Northern Ireland. For this purpose the United Kingdom does not include the Channel Islands or the Isle of Man. (Article II (1) of the convention.)

§ 82.104 *Situs of property.* The determination of the situs of property is necessary for two purposes, i. e., first, in order to ascertain the property that may be included in the application of the tax if jurisdiction is based upon situs of property within the country, and, second, in order to ascertain the credit for death duties authorized by the convention since the crediting country only allows such credit under paragraph (1) of Article V with respect to property situated in the other contracting country and under paragraph (2) of Article V with respect to property situated outside both contracting countries or with respect to property deemed to be situated in both such countries. For such purposes, the convention provides rules of situs for specific classes of property as hereinafter set forth. These rules are applicable only in case the decedent was at time of death domiciled in the United States or the United Kingdom. The convention also provides that with respect to property not within the described classes, if the decedent was domiciled in the United States the situs thereof shall be determined in accordance with the law of the United Kingdom, or if the decedent was domiciled in the United Kingdom the situs thereof shall be determined in accordance with the law of the United States. The rules of situs provided by the convention are not applicable in the case of a deceased citizen of the United States who was not domiciled in either country. (Article III (2) of the convention.)

Specific applications of the foregoing principles are shown by the following:

(a) If one of the contracting countries taxes on the basis of domicile and the other on the basis of situs of property, the allowance of credit by the former and the imposition of tax by the latter are determined in accordance with the situs rules of the convention with respect to property of the described classes and in accordance with the situs rules under the law of the latter with respect to any property not within such classes.

(b) If the United States taxes on the basis of citizenship and the United Kingdom taxes on the basis of domicile (the United States not regarding the domicile of the decedent as having been in the United States), the allowance of credit by each country is determined in accordance with the situs rules of the convention with respect to property in the described classes and in accordance with the situs rules under the law of the United States with respect to any property not within such classes.

(c) If the United States taxes on the basis of citizenship and the United Kingdom taxes on the basis of situs of property (both contracting countries considering that the decedent was domiciled in a third country), the allowance of credit by the United States and the imposition of tax by the United Kingdom are determined in accordance with the situs rules under the law of the United Kingdom with respect to both the property of the described classes and the property not within such classes. In this case the situs rules of the convention are not applicable to any extent.

(d) If both contracting countries tax on the basis of domicile, the allowance of credit by the United States is determined in accordance with the situs rules of the convention with respect to the property of the described classes and in accordance with the situs rules under the law of the United Kingdom with respect to any property not within such classes, and the allowance of credit by the United Kingdom is determined in accordance with the situs rules of the convention with respect to the property of the described classes and in accordance with the situs rules under the law of the United States with respect to any property not within such classes.

Rules of situs provided by the convention for specific classes of property follow:

(1) *Real property and leaseholds.* Immovable property shall be deemed to be situated at the place where the land involved is located. Immovable property comprises real property and leases of real property. The duration of the lease is immaterial. Immovable property does not include mortgages, liens or any other right or interest in real or immovable property by way of security. Although for the purpose of this situs rule leaseholds are classed with real property, this provision of the treaty does not purport to extend the scope of the term "real property" as used in the first paragraph of section 811 of the Internal Revenue Code whereunder real property (but not a lease of real property) situated outside the United States is excluded from the gross estate. (Article III (2) (a) of the convention.)

(2) *Tangible personal property.* Tangible movable property (tangible personal property), except as hereinafter specifically provided with respect to ships and aircraft, shall be deemed to be situated at the place of physical location at the time of the decedent's death, or, if in transitu, at the place of destination. Tangible personal property includes bank notes and other forms of currency recognized as legal tender at the place of issue. (Article III (2) (b) of the convention.)

(3) *Ships and aircraft.* Ships and aircraft and fractional interests therein shall be deemed to be situated at the place of registration or documentation of such ships and aircraft. (Article III (2) (f) of the convention.)

(4) *Bonds and other forms of indebtedness.* Debts included as assets of the estate (credits), except as hereinafter specifically provided with respect to judgment debts and negotiable promissory notes and bills of exchange, shall be deemed to be situated where the decedent was domiciled at the time of his death. This rule refers to both secured and unsecured debts, and comprehends bonds, simple contract debts, and bank deposits characterized by the debtor-creditor relationship. Issues of stock, such as are common in the United Kingdom, which are evidences of debts and do not represent stockholders' proprietary shares are properly classifiable with bonds. Such issues include stock issued by municipal or governmental corporations, stock issued by public boards, and debentures or debenture stock of a corporation. (Article III (2) (c) of the convention.)

(5) *Judgment debts.* Judgment debts shall be deemed to be situated where the judgment is recorded. (Article III (2) (k) of the convention.)

(6) *Negotiable promissory notes and bills of exchange.* Negotiable promissory notes and bills of exchange shall be deemed to be situated at the place of the physical location of the documents at the time of decedent's death, or, if in transitu, at the place of destination. (Article III (2) (b) of the convention.)

(7) *Stock.* Shares of stock of a corporation shall be deemed to be situated at the place in or under the laws of which such corporation was created or organized. This rule comprehends shares of stock held by a nominee where the beneficial ownership is evidenced by scrip certificates or otherwise. This rule has no reference to issues of stock, such as are common in the United Kingdom, which are evidences of debts, do not represent stockholders' proprietary shares, and are properly classifiable with bonds. Such issues include stock issued by municipal or governmental corporations, stock issued by public boards, and debentures or debenture stock of a corporation. (Article III (2) (d) of the convention.)

(8) *Life insurance.* Proceeds of insurance on the life of the decedent shall be deemed to be situated where the decedent was domiciled at the time of his death. (Article III (2) (e) of the convention.)

(9) *Goodwill.* Goodwill as a trade, business or professional asset shall be deemed to be situated at the place where the business or profession, to which it pertains, is carried on. (Article III (2) (g) of the convention.)

(10) *Patents, trademarks and designs.* Patents, trademarks and designs shall be deemed to be situated at the place where they are registered. (Article III (2) (h) of the convention.)

(11) *Copyrights and licenses to use copyrights, patents, trademarks and designs.* Copyrights, franchises, and rights or licenses to use any copyrighted material, patent, trademark or design, shall be deemed to be situated at the place where the rights arising therefrom are exercisable. (Article III (2) (i) of the convention.)

(12) *Actions ex delicto.* Rights or causes of action *ex delicto* surviving for the benefit of the estate of a decedent shall be deemed to be situated at the place where such rights or causes of action arose. (Article III (2) (j) of the convention.)

The rules whereunder property of certain classes shall be deemed to be situated at the place of the decedent's domicile are in effect rules exempting such classes of property from the tax imposed by reason of situs of property within each contracting State's jurisdiction.

Under a special proviso at the end of Article III of the convention, the foregoing rules of situs are not applicable in determining whether particular property may be subjected to tax by reason of its situs within the taxing country if (i) such property passes under a disposition not governed by its law, and (ii) such property is not subjected to the tax by the other contracting country for any reason other than the application of a specific exemption. In such case the situs of the property will be determined in accordance with the law of the taxing country.

This special proviso is particularly applicable to cases of settled property that come under the provisions of the estate duty statute of Great Britain or Northern Ireland. As an example of the operation of the special proviso under the estate duty statute, suppose the decedent's father established a trust governed by New York law under which the decedent was given a life estate with the remainder over absolutely to the trustor's grandson. The trustor, the life tenant and the remainderman were domiciled in and citizens of the United States. Under this special proviso, the corpus of the trust, consisting of shares of stock of a United States corporation evidenced by certificates in bearer form physically located in Great Britain, would be regarded as situated in Great Britain without the application of the situs rules of Article III and would be subjected to the estate duty reaching settled property since (i) such property passes under a disposition not governed by the law of Great Britain and (ii) such property is not subjected to the tax by the United States regardless of the $60,000 specific exemption.

Although the primary purpose of this special proviso concerns settled property under the estate duty statute of Great Britain or Northern Ireland, it is applicable under the Federal estate tax statute in some cases involving certain unusual circumstances. As an example of the operation of the special proviso under the Federal estate tax statute, suppose the decedent in contemplation of death established a trust for the benefit of his children, the property transferred by gift to the trust consisting of shares of stock of a British corporation evidenced by certificates physically located in the United States. The gift was made six years before the decedent's death and the decedent retained no possession or enjoyment or any other right in the property. The decedent and the beneficiaries were domiciled in Great Britain and the trust is governed by British law. Under the special proviso, the situs rules of Article III would be inapplicable and the shares of stock would be regarded as situated in the United States and subjected to the Federal estate tax since (i) such property passes under a disposition not governed by United States law and (ii) such property is not, regardless of any specific exemption, subjected to the estate duty imposed in Great Britain.

For the purpose of determining whether property is situated in either contracting country, the United States includes the States thereof, the Territory of Alaska, the Territory of Hawaii and the District of Columbia, and the United Kingdom of Great Britain and Northern Ireland includes Great Britain (England, Wales and Scotland) and Northern Ireland. For this purpose the United Kingdom does not include the Channel Islands or the Isle of Man. (Article II (1) of the convention.)

§ 82.105 *Taxation on basis of domicile, citizenship, or the law governing disposition of property.* Both the United States and the United Kingdom assume jurisdiction for the tax upon the basis of domicile within the taxing country. In addition, the United States, but not the United Kingdom, assumes jurisdiction for the tax upon the basis of citizenship, and the United Kingdom, but not the United States, assumes jurisdiction for the tax upon the basis of the law governing the disposition of the property. Thus, tax in Great Britain is imposed in respect of property passing under a disposition (such as a trust) governed by the law of Great Britain,

even though the decedent was not domiciled in Great Britain and the property is not regarded as situated in Great Britain. (Article IV (2) (b) of the convention.)

The application of the tax (the Federal estate tax or the estate duty imposed in Great Britain or Northern Ireland, as the case may be) in any of the foregoing cases is not affected by the convention, except insofar as credit is authorized under Article V. The convention does not prohibit the subjection to tax in any of the foregoing cases, of any property (real or personal) situated outside the taxing country and in the other contracting country. However, by section 811 of the Internal Revenue Code, real property (but not a lease of real property) situated outside the United States is excluded from the gross estate. Under the present practice in the United Kingdom, immovables located outside the United Kingdom are, with rare exception, not subjected to estate duty.

§ 82.106 *Taxation on basis of situs of property.* In case jurisdiction to impose the tax by one of the contracting countries is based upon situs of property within such country and the decedent was at the time of death domiciled in the other contracting country, the convention provides that property situated outside the former shall not be taken into account in determining the amount or rate of such tax. (Article IV (2) of the convention.) For the purpose of determining what property is situated within the country and, therefore, subject to taxation on the basis of situs, the provisions of § 82.104 are pertinent. The rules of situs for certain classes of property prescribed by Article III of the convention and § 82.104 are applicable to the imposition of the Federal estate tax in the case of a decedent who at time of death was not domiciled in or a citizen of the United States, and who was domiciled in the United Kingdom. The rules that certain classes of property shall be deemed to be situated where the decedent was domiciled are in effect rules exempting such classes of property from taxation on the basis of situs.

The deductions from the gross estate in the case of a nonresident not a citizen of the United States authorized by section 861 of the Internal Revenue Code, including the specific exemption of $2,000 prescribed thereunder, are unaffected. (Article IV (1) of the convention.) The restrictions of the preceding paragraph do not affect what is referred to in section 861 (a) (1) of the Internal Revenue Code as the gross estate wherever situated, and utilized in ascertaining the proportionate deductions for administration expenses, debts, etc., as prescribed in § 81.52 of this chapter.

§ 82.107 *Credit for estate duties imposed in Great Britain and Northern Ireland*—(a) *General.* In the case of the estate of a decedent who at time of death was domiciled in or a citizen of the United States, credit is authorized against the Federal estate tax for Great Britain or Northern Ireland estate duty computed in accordance with the provisions of the convention and paid in respect of property situated as hereinafter provided and subjected to such taxes by both the United States and Great Britain or Northern Ireland. No credit is allowable for any interest or penalty paid in connection with the estate duty. (Article V of the convention.)

Real property situated in the United Kingdom is not subjected to the Federal estate tax. Also, Great Britain and Northern Ireland subject to estate duty trust property (as, for example, on the death of a life tenant who was not the settlor and who had no other interest in the property) which is not subjected to Federal estate tax. Credit is not allowable under the convention for estate duty paid in respect of such property, since the requirement of double taxation is not fulfilled.

If only a part of the property subjected to estate duty imposed in Great Britain or Northern Ireland meets both of the required conditions (i. e., as to situs and double taxation), it will be necessary to determine the portion of such estate duty attributable to such part. Such portion of the estate duty (provided all property is subjected to such estate duty at a uniform rate) is an amount, A, which bears the same ratio to B (the total amount of such estate duty) that C (the value of the property situated as hereinafter provided and subjected to such estate duty and to the Federal estate tax) bears to D (the value of all property subjected to such estate duty). The values used in this proportion are the net values determined for the purpose of the Great Britain or Northern Ireland estate duty. If for any reason property is subjected to such estate duty at other than a uniform rate, a separate computation is to be made with respect to property taxed at each rate.

As an example of the determination of the amount of United Kingdom estate duty attributable to specific property, assume that a deceased resident of the United States owned personal property in Great Britain, $12,000, and real property in Great Britain, $12,000, and owed debts (not charged on any particular property) of $4,000 to persons resident in Great Britain. Under the British statute, the estate duty is computed as follows:

	Net value
Net value of personal property ($12,000 less $4,000)	$8,000
Net value of real property	12,000
Total net value	20,000
Rate of estate duty (percent)	9.6
Estate duty	$1,920

The amount of estate duty attributable to the personal property is

$$\frac{8,000}{20,000} \times \$1,920, \text{ or } \$768$$

Similarly, the amount of the Federal estate tax attributable to the property which meets the required conditions (as to situs and double taxation) is an amount, A, which bears the same ratio to B (the Federal estate tax) as C (the value of the property situated as hereinafter provided and subjected to both the estate duty imposed in Great Britain or Northern Ireland and the Federal estate tax, or such value adjusted as hereinafter indicated) bears to D (the value of the gross estate, or such value adjusted as hereinafter indicated). The values used in this proportion are the values determined for the purpose of the Federal estate tax, and amounts C and D of the proportion are to be reduced by the amount of any deductions allowable under section 812 of the Internal Revenue Code in respect of such property (1) lost during the settlement of the estate, (2) identified as previously taxed property or (3) specifically bequeathed or devised for charitable, etc., uses.

The amount of the estate tax or estate duty attributable to specific property is, for the purposes of this section, the amount ascertained after the allowance of any applicable credit, remission or reduction of tax, other than, first, credit authorized under this convention and, second (except as otherwise provided in paragraph (c) of this section) credit authorized under death duty conventions between the United States and any other country. In determining by proportion the amount of estate tax or estate duty attributable to property which meets the required conditions to the allowance of credit the following rules apply:

(i) If the credit (as, for example, the credit for State inheritance tax) does not pertain to specific property, the amount of tax ascertained after the allowance of such credit should be proportioned.

(ii) If the credit pertains to specific property, the tax ascertained before the allowance of such credit should be proportioned, and the amount of tax thus found to be attributable to the property which meets the required conditions should then be reduced by the amount of such credit pertaining to such property. Examples of credit pertaining to specific property are the Federal gift tax credit, credits under death duty conventions, the British quick succession allowance, the British allowance for colonial death duties, the British allowance for settlement estate duty, the British allowance for duties paid before August 2, 1894, and the remissions of British estate duty under the Killed in War Acts. (It may be noted that in consequence of this rule the estate duty imposed in Great Britain or Northern Ireland is to be reduced by credit allowable against such duty for the tax paid in a British possession or in any other country only if such credit pertains to the same property in respect of which credit is allowable under this section.)

For the purpose of determining the situs of property in respect of which credit is claimed, the provisions of § 82.104 are pertinent.

If at the time the Federal estate tax return, Form 706, is filed, the estate duty imposed in Great Britain or Northern Ireland has not been determined and paid, credit therefor may be entered on the return in an estimated amount. The computation of the credit should be set forth on Form 706e, "Computation of Credit for United Kingdom Estate Duty", the supplemental form prescribed for the purpose.

However, before credit for Great Britain or Northern Ireland estate duty is finally allowed, a statement by an authorized official of the Estate Duty Office of Great Britain or Northern Ireland must be submitted certifying (*a*) the full amount of such estate duty (exclusive of any interest or penalties), as computed before allowance of any credit, remission or relief, (*b*) the amount of any credit, allowance, remission or relief and other pertinent information, including the nature of such allowance and a description of the property to which it pertains, (*c*) the net estate duty payable after any such allowance, (*d*) the date on which the estate duty was paid, or if not all paid at one time, the amount and date of each partial payment, and (*e*) a list of the property situated in Great Britain or Northern Ireland and subjected to the estate duty, showing the description of each item and the value thereof. The certificate shall also show (*a*) that such amount of estate duty was computed in accordance with applicable provisions of the convention, and (*b*) that no refund of such estate duty is pending and none authorized, or if any such refund is pending or has been authorized, the amount thereof and other pertinent information. The following information should also be certified whenever applicable:

(*1*) If any of the property subjected to such estate duty was situated outside Great Britain or outside Northern Ireland, as the case may be, the description of each item of such property and the value thereof.

(*2*) If for any reason property is subjected to such estate duty at more than one rate, such information pertaining thereto as is necessary to determine the correct credit.

(*3*) If payment of any portion of such estate duty has been postponed, a description of the property in respect of which such postponement was granted.

(*4*) If paragraph (2) of Article V of the convention is applicable, such information pertaining to situs of property as is necessary to determine the correct credit.

Form 706f, "Certification of United Kingdom Estate Duty," is prescribed for the above purpose. The Commissioner may require the submission of any additional proof deemed necessary to establish the right to credit.

If subsequent to the allowance of credit for estate duty imposed in Great Britain or Northern Ireland, a refund is made of any overpayment of such estate duty, then the person to whom the refund is made is required to advise the Commissioner thereof and pay any further Federal estate tax resulting from any reduction in the credit.

(b) *Decedent domiciled in or a citizen of the United States.* In the case of the estate of a decedent who at time of death was domiciled in or a citizen of the United States, credit is authorized against the Federal estate tax for any Great Britain or Northern Ireland estate duty paid in respect of property situated in Great Britain or Northern Ireland and subjected to such taxes by both the United States and Great Britain or Northern Ireland. However, such credit is not allowable in respect of any such property for which credit is authorized under the provisions of paragraph (c) of this section and paragraph (2) of Article V of the convention. (Article V (1) of the convention.)

Great Britain subjects to estate duty property situated outside Great Britain on the death of the owner domiciled in Great Britain. Property which forms the subject of a British trust is subjected to estate duty, even though such property is situated outside Great Britain and passes on the death of a person domiciled outside Great Britain. Credit is not allowable under this paragraph for British estate duty paid in respect of such property, since the requirement of situs is not fulfilled.

For the purpose of determining what property was at time of death situated in the United Kingdom, the provisions of § 82.104 are pertinent. In the case of a decedent who was at time of death domiciled in either the United States or the United Kingdom (but not in the case of a citizen of the United States not domiciled in either the United States or the United Kingdom), the rules of situs for certain classes of property prescribed by Article III of the convention and § 82.104 are applicable in determining whether property was situated in the United Kingdom. If the decedent was domiciled in the United States and was not domiciled in the United Kingdom, such rules of situs are applicable not only for purposes of allowance of credit by the United States but also for purposes of imposition of tax by the United Kingdom (where jurisdiction to tax is based on situs of property), and credit is allowable only for United Kingdom estate duty computed in accordance with such rules of situs.

The credit is limited to the amount of the Great Britain or Northern Ireland estate duty attributable to property which is (1) situated in Great Britain or Northern Ireland and (2) subjected to both such estate duty and the Federal estate tax. The amount of the credit is also limited to the amount of the Federal estate tax attributable to such property.

Example (*1*). The decedent was domiciled in the United States at time of death. The gross estate consists of shares of stocks of United States corporations, $50,000, bonds issued by British corporations, $50,000, and shares of stocks of British corporations, $50,000. Debts and administration expenses total $10,000. Under the situs rules of the convention the only property subjected to the British estate duty comprises the shares of stocks of the British corporations. The amount of the British estate duty as converted into United States money is $3,000. The amount of the Federal estate tax, after allowance of the State inheritance tax credit, is $14,780. The credit cannot exceed

$$\frac{50{,}000\ \text{(British property)}}{150{,}000\ \text{(gross estate)}} \times \$14{,}780 = \$4{,}926.67\ \left(\begin{array}{c}\text{amount of estate tax attributable}\\ \text{to British property}\end{array}\right)$$

As the amount of the British estate duty is less than the latter amount, credit for British estate duty is allowed in the amount of $3,000.

Example (*2*). The facts are the same as in the preceding example except that $20,000 of the British stocks are specifically bequeathed to a charitable organization. The amount of the British estate duty attributable to the property doubly taxed is $3,000. The amount of the Federal estate tax is $9,340. The credit cannot exceed the amount of the Federal estate tax attributable to the British stocks which is

$$\frac{30{,}000\ \text{(value of British stocks adjusted)}}{130{,}000\ \text{(gross estate adjusted)}} \times \$9{,}340 = \$2{,}155.38$$

The value of the British stocks and the value of the gross estate are adjusted as explained in paragraph (a) of this section. As the amount of the Federal estate tax attributable to the property doubly taxed is less than the amount of the British estate duty so attributable, the credit is allowable in the amount of the former, $2,155.38.

Example (*3*). The facts are the same as in example (1) except that $20,000 of the United States stocks are specifically bequeathed to charity. The amount of the British estate duty attributable to the property doubly taxed is $3,000. The amount of the Federal estate tax attributable to the property doubly taxed is

$$\frac{50{,}000\ \text{(value of British stocks)}}{130{,}000\ \text{(gross estate adjusted)}} \times \$9{,}340 = \$3{,}592.31$$

The credit allowable is the lesser of the two amounts, $3,000.

Due to conflicts between rules of situs, property which under paragraph (2) of Article III of the convention and § 82.104 of this subpart is deemed to be situated in Great Britain or Northern Ireland may be subjected to tax in some other country. In such case, (1) credit may be allowable against the Federal estate tax for estate duty imposed in Great Britain or Northern Ireland with respect to the property and (2) credit may be allowable against such estate duty for tax paid to the third country with respect to the same property. Under these circumstances, the credit allowable against the Federal estate tax is limited to the amount of the Great Britain or Northern Ireland estate duty attributable to the property as computed after allowance of credit for the tax paid in the third country.

Example (*4*). The facts are the same as in example (1) except that the certificates of $10,000 of the stocks of the British corporations were in bearer form physically located in Eire, and were subjected to duty in that country. Credit for the duty paid in Eire is allowed against the British estate duty. The credit against the Federal estate tax is limited to the amount of the British estate duty applicable to the British stocks, $3,000, less the amount of credit allowed against such duty for the duty paid in Eire.

In case credit against the Federal estate tax is allowable under the convention with the United Kingdom and under death duty conventions with one or more other countries, such credits shall be combined and the aggregate amount shall be credited against the Federal estate tax. If because of any conflict in situs rules the same property of the gross estate is subjected to tax by two foreign countries, the total amount of both credits allowable in respect of such property is limited to the amount of the Federal estate tax attributable to such property. If for any reason it is necessary to ascertain, in any case in which this limitation applies, the proportion of the combined credit which is allowed under each death duty convention, the combined credit shall be divided in proportion to the amount of credit allowable (before appli-

cation of this limitation) under each convention in respect of such property.

Example (5). The gross estate includes stocks of British corporations, represented by certificates in bearer form physically located in Canada. Under the situs rules of Canada the British stocks are regarded as situated in Canada (this rule not being changed by the United States—Canada convention), and under the situs rules of the United States—United Kingdom convention the British stocks are regarded as situated in Great Britain. The Federal estate tax attributable to the property taxed in the three countries is $4,800, and credits for British estate duty and Canadian succession duty are determined at $4,000 and $2,000, respectively, before application of the limitation on their combined amount. The combined credits are limited to $4,800, the amount of the Federal estate tax attributable to the stocks. The credits for British estate duty and Canadian succession duty are therefore limited to $3,200 and $1,600, respectively, which amounts are in the same proportion as $4,000 and $2,000.

Example (6). The facts are the same as in example (1) except that the gross estate includes $50,000 of stocks of Canadian corporations instead of $50,000 of bonds of British corporations. A nephew is the sole legatee. The Canadian succession duty is $2,823.33, in which amount credit is allowable against the Federal estate tax under the death duty convention between the United States and Canada. The amount of the British estate duty attributable to the British stocks is $3,000. The amount of the Federal estate tax attributable to the British stocks is

$$\frac{50{,}000 \text{ (British stocks)}}{150{,}000 \text{ (gross estate)}} \times \$14{,}780 = \$4{,}926.67$$

It may be noted the $14,780 is the amount of the Federal estate tax after allowance of State inheritance tax credit but before any allowance of the Canadian succession duty credit. The amount of the British estate duty credit is $3,000, and the total amount of the foreign tax credits allowable against the Federal estate tax under both the Canadian and British death duty conventions is $5,823.33. Since the Canadian succession duty and the British estate duty are not imposed in respect of the same property, the limitation illustrated in the preceding example does not apply.

(c) *Decedent regarded as domiciled in the United States and in the United Kingdom.* Whenever in any case it appears that both contracting countries have asserted or are contemplating the assertion of the tax on the basis of domicile, the evidence adduced with respect to the decedent's domicile will be carefully reviewed or facts pertaining thereto further investigated so that, if possible, both countries may agree upon the decedent's domicile. Since the basic principles of the law relating to domicile are alike in both countries, it is anticipated that such agreement will usually be reached.

However, if in a particular case the United States determines that the decedent was domiciled in the United States and asserts estate tax in accordance with such determination and Great Britain or Northern Ireland also determines that the decedent was domiciled in Great Britain or Northern Ireland and asserts estate duty in accordance with such determination, and no agreement is reached upon the decedent's domicile, then each contracting country will (in addition to any credit authorized under the provisions of paragraph (1) of Article V of the convention and paragraph (b) of this section) allow against its tax a credit in respect of property subjected to tax by both countries and deemed situated (1) in both countries or (2) outside both countries. The total of the credits authorized under this paragraph shall be equal to the amount of tax imposed with respect to such property by the country imposing the smaller tax, and shall be divided between the two countries in proportion to the amount of tax imposed by each of the two countries with respect to such property. (Article V (2) of the convention.)

Property deemed situated in both countries includes property which by the situs rules of paragraph (2) of Article III of the convention is deemed to be situated at the place where the decedent was domiciled at the time of his death. It also includes any property not within such rules which each country claims to be situated within its territory.

For the purposes of this paragraph the amount of the Federal estate tax attributable to property situated as herein provided and doubly taxed shall be the amount determined as provided in paragraph (a) of this section, reduced by the amount of any credit allowable in respect of such property under death duty conventions between the United States and any third country.

Example (1). After a careful review of the evidence the United States Government determines that the decedent was at time of death domiciled in the United States and the British Government determines that the decedent was at time of death domiciled in Great Britain. The gross estate consists of $200,000 of British stocks, $150,000 of United States stocks, and $50,000 of bonds, the certificates of which were at time of death located in the United States. Debts and charges are $20,000. The amount of the Federal estate tax, computed on the whole estate wherever situated, after allowance for State inheritance tax credit but before allowance for British estate duty credit is $81,940. The amount of the British estate duty, also computed on the whole estate wherever situated, before allowance for United States estate tax credit is $93,860. Under paragraph (1) of Article V of the convention, the United States allows credit for the British estate duty attributable to the $200,000 of British stocks which are regarded as situated in Great Britain under Article III of the convention. Such credit, computed as explained in paragraph (b) of this section, is $40,970. Similarly under paragraph (1) of Article V of the convention, Great Britain allows credit for the United States estate tax attributable to the $150,000 of United States stocks, the amount of such credit being $30,727.50. Since under Article III of the convention bonds are deemed to be situated in the country of the decedent's domicile, in this case the bonds are regarded as situated in both countries and with respect thereto credit is allowable by each country under the provisions of paragraph (2) of Article V of the convention. The amount of the Federal estate tax attributable to the $50,000 of bonds, as computed without allowance for British estate duty credit, is

$$\frac{50{,}000 \text{ (bonds)}}{400{,}000 \text{ (gross estate)}} \times \$81{,}940 \text{ (estate tax)} = \$10{,}242.50$$

The amount of the British estate duty attributable to the $50,000 of bonds, as computed without allowance for United States estate tax credit, is

$$\frac{50{,}000 \text{ (bonds)}}{400{,}000 \text{ (gross estate)}} \times \$93{,}860 \text{ (estate duty)} = \$11{,}732.50$$

Since $10,242.50 is the smaller of the two amounts, such amount is the total of the credits allowable by the two countries under paragraph (2) of Article V of the convention. The part thereof allowable by the United States is

$$\frac{10{,}242.50}{21{,}975.00} \times \$10{,}242.50 = \$4{,}774.01$$

The part allowable by Great Britain is

$$\frac{11{,}732.50}{21{,}975.00} \times \$10{,}242.50 = \$5{,}468.49.$$

The taxes and credits for both countries are shown in the following summary:

United States

Tax before treaty credits		$81,940.00
Credit under V (1)	$40,970.00	
Credit under V (2)	4,774.01	
Total credits		45,744.01
Net tax payable		36,195.99

Great Britain

Duty before treaty credits		$93,860.00
Credit under V (1)	$30,727.50	
Credit under V (2)	5,468.49	
Total credits		36,195.99
Net duty payable		57,664.01

It may be noted that the total of the taxes payable to the two countries, the sum of $36,195.99 and $57,664.01, equals $93,860, the amount of the tax (before allowance of the treaty credits) of the country which imposes the higher tax.

Example (2). The facts are the same as in example (1) except that the bond certificates were at the time of death located in Canada and under Canadian law deemed situated for succession duty purposes in Canada. The amount of the Canadian succession duty is $2,823.33. The amount of the Federal estate tax attributable to the bond, as computed without allowance for either the Canadian succession duty credit or the British estate duty credit, is $10,242.50. Since under the convention with Canada credit of $2,823.33 is allowable, the amount of the Federal estate tax attributable to the bonds, as computed with allowance of the Canadian succession duty credit but without allowance of the British estate duty credit, is $10,242.50 less $2,823.33 or $7,419.17. The amount of the British estate duty attributable to the bonds, as computed without allowance for United States estate tax credit, is $11,732.50. Since $7,419.17 is the smaller of the two amounts, such amount is the total of the credits allowable by the United States and Great Britain under paragraph (2) of Article V of the convention. The part thereof allowable by the United States is

$$\frac{7{,}419.17}{19{,}151.67} \times \$7{,}419.17 = \$2{,}874.11$$

The part thereof allowable by Great Britain is

$$\frac{11{,}732.50}{19{,}151.67} \times \$7{,}419.17 = \$4{,}545.06$$

The taxes and credits for the three countries are shown in the following summary:

Canada		
Succession duty payable		$2,823.33
United States		
Estate tax before Canadian and British duty credits		$81,940.00
Canadian succession duty credit	$2,823.33	
British estate duty credit under V (1)	40,970.00	
British estate duty credit under V (2)	2,874.11	
Total treaty credits		46,667.44
Estate tax payable		35,272.56
Great Britain		
Estate duty before United States estate tax credit		$93,860.00
United States estate tax credits under V (1)	$30,727.50	
United States estate tax credit under V (2)	4,545.06	
Total treaty credits		35,272.56
Estate duty payable		58,587.44

§ 82.108 *Claim for credit or refund and interest on refund.* Credit authorized by § 82.107 and Article V of the convention will be allowed if claimed within six years after the date of the decedent's death, or to the extent of any such credit for tax attributable to a reversionary interest, with respect to which payment of tax is postponed, if claimed prior to six years after such reversionary interest falls into possession. (Article VI (1) of the convention.)

An overpayment of estate tax due to the allowance of the credit or to the application of any other provision of the convention may be refunded except that no refund due to the allowance of credit may be made after the expiration of the applicable period hereinbefore designated for the allowance of credit, and no refund due to the application of any other provision of the convention may be made after six years from the date of the decedent's death, unless before the expiration of such period a claim therefor has been filed, or unless within such period a petition alleging the right to credit or to other relief under the convention has been filed with the Tax Court of the United States. If a timely petition has been filed with the Tax Court of the United States, no refund shall thereafter be made except as provided in section 911 of the Internal Revenue Code.

A claim for refund should set forth under oath each ground upon which the refund is claimed and facts sufficient to apprise the Commissioner of the exact basis thereof. Any claim for refund which does not comply with the requirements of the preceding sentence will not be considered for any purpose as a valid claim for refund. Claim for refund should be made on Form 843 and filed with the Collector of Internal Revenue, although a claim for refund will not be considered defective solely by reason of the fact that it is not made on such form or that it is filed with the Commissioner of Internal Revenue.

Any refund of estate tax due to the application of the provisions of the convention shall be made without interest. (Article VI (2) of the convention.)

§ 82.109 *Information furnished by each contracting country to the other.* The taxation authorities of the contracting countries shall exchange such information available under the taxation laws of the respective countries as is necessary for carrying out the provisions of the convention or for the prevention of fraud or the administration of statutory provisions against legal avoidance in relation to the taxes which are the subject of the convention. Information so furnished will be kept secret and not disclosed to any person other than those concerned with the assessment and collection of the taxes which are the subject of the convention. Such information shall not include any trade secret or trade process. (Article VII (1) of the convention.)

The term "taxation authorities" means, for the United States, the Commissioner of Internal Revenue or his authorized representative, for Great Britain, the Commissioners of Inland Revenue or their authorized representative, for Northern Ireland, the Minister of Finance or his authorized representative, and, for any territory to which the convention is extended under Article VIII the competent authority administering the tax to which the convention may be extended. (Article VII (2) of the convention.)

[SEAL] WILLIAM SHERWOOD,
Acting Commissioner of Internal Revenue.

[F. R. Doc. 47-1205; Filed, Feb. 7, 1947; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

[Docket No. 8089]

STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING STANDARD BROADCAST STATIONS

ORDER SCHEDULING ORAL ARGUMENT

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of January 1947;

Whereas, the Commission has today by separate order adopted amendments to the Standards of Good Engineering Practice Concerning Broadcast Stations as set forth in public notices of December 20, 1946 and January 16, 1947 except the proposed amendment concerning the minimum permissible kilocycle separation between stations within the same general groundwave service area which reads as follows:

Stations with the same general groundwave service area may be licensed for operation on channels as close as 40 kc separation. Although no interference ratio is specified in Table V for 30 kc separation since most receivers are sufficiently selective to tolerate a high level of interfering signal at this separation, other effects, such as cross-modulation of signals may result depending upon the relative location of two stations with such frequency separation. Accordingly, no station will be licensed for operation with a 30 kc separation from another station, if the area enclosed by the 25 mv/m groundwave contours of the two stations overlap. Frequency separation of 20 kc and 10 kc are considered inappropriate for stations with the same general urban coverage and therefore no station will be licensed for operation with less than 30 kc frequency separation if the area enclosed by the 25 mv/m groundwave contour of either one overlaps the area enclosed by the 2 mv/m groundwave of the other, although proper protection might be indicated in accordance with Tables IV and V; end

Whereas, a petition has been received by the Commission requesting permission to present evidence concerning the above set forth proposed amendment and comments have been received from other persons;

Now, therefore, it is ordered, That a hearing and oral argument of the above proposed amendment be held on March 4, 1947 at the offices of the Commission in Washington, D. C. All interested persons may appear at this hearing.

Before the commencement of the hearing the Commission's staff will conduct field tests concerning the effect of operation on channel separations as set forth in the proposed amendment and will introduce the results of such tests at the hearing.

Persons desiring to appear at the hearing shall notify the Commission of such intention on or before February 24, 1947, stating the names of all witnesses who will appear and the time expected to be required for their presentation.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1204; Filed, Feb. 7, 1947; 8:48 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 2346]

TRANSCONTINENTAL & WESTERN AIR, INC., AND DELTA AIR LINES, INC.

NOTICE OF HEARING

In the matter of the joint application of Transcontinental & Western Air, Inc., and Delta Air Lines, Inc., for approval under section 412 and, if such approval is deemed necessary, under section 408 of the Civil Aeronautics Act of 1938, as amended, of an agreement relating to interchange of equipment.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 408 (b) of said act, that hearing in the above-entitled proceeding is assigned to be held on February 18, 1947, at 10:00 a. m. (eastern standard time) in Room 5132, Commerce Building, before Examiner Herbert K. Bryan.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the agreement provides for the operation by one of the applicants of the properties, or any substantial part thereof, of the other applicant;

2. Whether the interchange agreement will not be consistent with the public interest;

3. Whether the interchange agreement will result in creating a monopoly and thereby restrain competition or jeopardize another air carrier not a party to the agreement; and

4. Whether the interchange agreement will be in violation of the act.

Notice is also given that any party desiring to controvert in fact or law any of the issues raised by said application shall file with the Board, on or before February 11, 1947, a statement of said issues.

Dated: Washington, D. C., February 4, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1208; Filed, Feb. 7, 1947; 8:49 a. m.]

[Docket No. 2776]

PHILLIPPINE AIR LINES, INC.

NOTICE OF HEARING

In the matter of the application of Philippine Air Lines, Inc., pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended, for a foreign air carrier permit authorizing the foreign air transportation of persons, property and mail between the Philippines and San Francisco, Calif., via intermediate points in the Pacific, including Honolulu.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that a hearing in the above-entitled proceedings is assigned to be held on February 19, 1947, at 10 a. m. (eastern standard time) in Room 1302, Temporary "T" Building, Constitution Avenue between 12th Street and 14th Street NW., Washington, D. C., before Examiner Barron Fredricks.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed air transportation will be in the public interest, as defined in section 2 of the Civil Aeronautics Act of 1938, as amended.

2. Whether the applicant is fit, willing and able to perform such transportation.

3. Whether the authorization of the proposed transportation is consistent with any obligation assumed by the United States in any treaty, convention or agreement in force between the United States and the Republic of the Philippines or any other foreign country.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before February 19, 1947, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., February 4, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1207; Filed, Feb. 7, 1947; 8:49 a. m.]

[Docket No. 681 et al.]

UNIVERSAL AIR FREIGHT, ET AL.; FREIGHT FORWARDER PROCEEDING

NOTICE OF HEARING

In re the applications of Universal Air Freight and other applicants for certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, and/or for exemptions under either section 1 (2) or section 416 (b) or both of said act and a general investigation into Indirect Air Carrier Services, generally known as the Freight Forwarder Proceeding.

The proceeding encompasses proposed indirect air transportation to and from any point in the United States and to and from points in the United States and foreign countries. For a list of the applicants consolidated into said proceeding and for details of the operations proposed, interested parties are referred to the notice to the parties by the Examiner, J. Earl Cox, dated January 9, 1947, and to the applications of the various parties, all on file in the office of the Civil Aeronautics Board, Washington 25, D. C. The docket numbers of the applications consolidated into said proceeding are as follows: 681, 1479, 1560, 1561, 2239, 2262, 2263, 2264, 2273, 2300, 2304, 2327, 2343, 2344, 2381, 2382, 2403, 2404, 2410, 2415, 2416, 2419, 2420, 2421, 2424, 2433, 2434, 2439, 2443, 2447, 2463, 2474, 2475, 2476, 2485, 2486, 2488, 2489, 2493, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2522, 2523, 2529, 2533, 2534, 2540, 2544, 2545, 2546, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2561, 2562, 2563, 2566, 2579, 2580, 2583, 2584, 2600, 2601, 2602, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2627, 2628, 2629, 2630, 2640, 2641, 2642, 2643, 2645, 2646, 2648, 2649, 2650, 2651, 2652, 2659, 2660, 2661, 2662, 2667, 2668, 2669, 2670, 2689, 2690, 2691, 2694, 2695, 2696, 2697, 2711, 2712, 2713, 2714, 2715, 2716, 2717, 2718, 2721, 2722, 2723, 2726, 2727, 2728, 2729, 2730, 2731, 2734, 2735, 2736, 2740, 2744, 2745, 2746, 2747, 2748, 2749, 2750, 2751, 2752, 2753, 2759, 2760, 2761, 2762, 2763, 2764, 2772, 2774, 2775, 2779, 2780, 2781, 2782.

Notice is hereby given that pursuant to sections 1 (2), 401 (c), 416 (b) and 1002 (b) of the Civil Aeronautics Act of 1938, as amended, the said proceeding be and it is hereby designated for public hearing in four consecutive sessions beginning on February 17, 1947, 10:00 a. m. e. s. t. in the Great Hall, Chamber of Commerce of the State of New York Building, 65 Liberty Street, New York, N. Y., before Examiner J. Earl Cox.

Notice of the exact date and place of the subsequent sessions to be held in Washington, D. C., Chicago, Illinois, and San Francisco, California, in that order, will be given to all parties and intervenors of record at the time of notice by Examiner J. Earl Cox. All other interested persons may receive this information from the office of the Secretary of the Civil Aeronautics Board, Washington 25, D. C.

The applicants have been divided into four groups according to the location of their home offices and the case as to each applicant will be presented at the one of the four sessions scheduled for his particular locality unless the examiner grants a request for hearing in one of the other localities for sufficient reasons stated in the request. All parties and intervenors of record will be notified of such changes by the examiner. The original schedule of applicants is set forth in the notice to all parties by the examiner dated January 9, 1947.

Without limiting the scope of the issues presented by this proceeding particular attention will be directed to the following matters and questions:

1. The extent to which there is a general need for services of air carriers indirectly engaged in air transportation of property, including air freight forwarder, air cargo forwarder, air expess and similar indirect air carrier services.

2. The extent to which indirect air carrier operations should be subject to restrictions to prevent uneconomical competition and the nature of such restrictions.

3. Whether or not certificates of public convenience and necessity should be required for any or all such operations, or whether exemptions from all the provisions of the act should be granted for any or all of such operations, and the standards to be provided for such certificates or exemptions, including the question of the continuance, limitation, modification or revocation of the exemption order of March 13, 1941 (Order Serial No. 941) exempting Railway Express, Inc.

4. Should an authorization or certificate of public convenience and necessity limit the holder to service between points specifically named in its authorization or certificate?

5. Should an authorization or certificate of public convenience and necessity for such services limit the holder to the utilization of certain types of air carriers?

The principal portion of the evidence on the above issues will be taken at the first session in New York, N. Y., beginning on February 17, 1947, subject however to the admission of additional evidence on them at any of the other sessions.

Without limiting the scope of the applications in this proceeding, the following are the matters and questions to which particular attention will be directed as to each applicant:

1. Is the applicant a citizen of the United States and is he fit, willing, and able to perform properly the transportation for which he seeks authorization, and to conform to the provisions of the Civil Aeronautics Act, as amended, and the rules, regulations, and requirements of the Board thereunder?

2. If the grant of a certificate of public convenience and necessity is in issue then:

a. Is such transportation required by the public convenience and necessity?

b. If so and more than one applicant for authorization to perform such transportation meets the issue in 1 above, how many applicants are required to be authorized by the public convenience and necesssity?

c. If selection is necessary, which applicant or applicants can best perform the service required?

3. If the grant of an exemption under 1 (2) of the act is in issue, is it required in the public interest?

4. If the grant of an exemption under 416 (b) is in issue, would the enforcement of such title, provision, rule, regulation, etc., from which exemption is sought be an undue burden on such applicant as provided in said section 416 (b) and not in the public interest?

Notice is further given that any person, other than parties and intervenors of record as of January 9, 1947, desiring to be heard in this proceeding file with the Board on or before February 17, 1947, a statement setting forth any or all of the sessions which he desires to attend and the issues of fact or law raised by this proceeding which he desires to controvert.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1206; Filed, Feb. 7, 1947; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

ASSIGNMENT OF APPLICATION FILE NUMBERS (OTHER THAN BROADCAST)

JANUARY 28, 1947.

In the services other than broadcast there are approximately 220 different types of applications. The Commission uses only one series of numbers in assigning file numbers to all such applications. Numbers run consecutively through a fiscal year, being assigned in the order in which the applications are accepted.

The letters following the first hyphen indicate the type of application and the class of station. The letter following the second hyphen denotes the fiscal year ("A" for fiscal 1946, "B" for fiscal 1947, etc.).

For example, "100-MPP-B" would indicate the file number (100), show it to be an application for modification of construction permit (MP) for a municipal police (P) station, filed in 1947 (B).

Below are listed the symbols used in other than broadcast application file numbers:

Type of Application

A—Assignment.
L—License.
P—Construction permit.
M—Modification.
R—Renewal.

Class of Station

C—Coastal.
E—Experimental.
F—Forestry.
G—Geological.
H—Alaska fixed public.
HK—Aeronautical fixed.
HP—U. S. point to point telephone.
HT—U. S. point to point telegraph.
I—Provisional.
J—Mobile press.
K—Aeronautical.
  KP—Airport control.
  KA—Airport utility.
  KFS—Flying school.
  KFT—Flight test.
L—Aircraft.
  PL—Public service aircraft.
M—Marine relay.
N—Special and relay press.
O—Municipal fire.
P—Municipal police.
  PS—State police.
  PZ—Zone police.
  PIZ—Interzone police.
R—Agriculture.
R1, R2, R3—Railroad.
T—Special emergency.
V—Utility.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1195; Filed, Feb. 7, 1947; 8:47 a. m.]

[Docket Nos. 7925-7927, 8035, 8036]

SPRINGFIELD BROADCASTING CO., ET AL.

ORDER ENLARGING ISSUES

In re application of Springfield Broadcasting Company, Springfield, Massachusetts, Docket No. 7926, File No. B1-PH-1016; WSOR, Inc., Springfield, Massachusetts, Docket No. 7925, File No. B1-PH-925; Regional Broadcasting Company, Chicopee, Massachusetts, Docket No. 7927, File No. B1-PH-1070; Pynchon Broadcasting Company, Springfield, Massachusetts, Docket No. 8036, File No. B1-PH-1127; Harold Thomas, Springfield, Massachusetts, Docket No. 8035, File No. B1-PH-1117.

The Commission having under consideration a petition filed January 17, 1947, and a supplement thereto filed January 22, 1947, by Springfield Broadcasting Company, Springfield, Massachusetts, requesting the Commission to enlarge the issues in the hearing upon the above-entitled applications to include the following issue:

5. To determine whether more than six Class B FM channels should be allocated to the Springfield-Holyoke area and, if so, what amendments to the Commission's tentative allocation plan for Class B FM stations, dated September 3, 1946, should be made in order to provide such additional channels. If so, whether the following modification to the allocation plan should be adopted in whole or in part:

General area	Channels	
	Delete	Add
Springfield-Holyoke, Mass.		259, 262
Albany, N. Y.	259	
Worcester, Mass.	262	

It is ordered, This 24th day of January 1947, that the petition be, and it is hereby, granted in part; and the Notice of Hearing in the above-entitled proceeding, dated October 31, 1946 be, and it is hereby, amended so as to include the following issue:

5. To determine whether more than six Class B FM channels should be allocated to the Springfield-Holyoke area and, if so, whether the following modification to the Commission's tentative allocation plan for Class B FM stations, dated September 3d, 1946, should be adopted in whole or in part, in order to provide such additional channels.

General area	Channels	
	Delete	Add
Springfield-Holyoke, Mass.		259, 262
Albany, N. Y.	259	
Worcester, Mass.	262	

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1194; Filed, Feb. 7, 1947; 8:47 a. m.]

[Docket Nos. 7510, 6881, 6882, 6209, 6967, 7377, 6190, 6790, 6791-6793, 7059, 7060, 6905, 6906]

PRESS WIRELESS, INC., ET AL.

NOTICE OF ORAL ARGUMENT

Beginning at ten o'clock a. m. on Friday, February 21, 1947, the Commission will hear Oral Argument in Room 6121 of the offices of the Commission, on the following matters in the order indicated:

(1) Docket No. 7510, Press Wireless, Inc. In the matter of Applications for Modification of Licenses to Delete Special Provisions, etc.

(2) Docket No. 6881, WGCM Broadcasting Company, Biloxi, Mississippi (postponed from February 12 to February 21); Docket No. 6882, WLOX Broadcasting Company, Biloxi, Mississippi; Docket No. 6882, WLOX Broadcasting Company, on petition to amend its application.

(3) Docket No. 6209, Durham Radio Corporation (WDNC), Durham, N. C.; Docket No. 6967, Capitol Broadcasting Co. Inc., Raleigh, N. C.; Docket No. 7377, Public Information Corp., Durham, N. C., applications to operate on 620 kc.

(4) Docket No. 6190, Newark Broadcasting Corp., Newark, N. J.; Docket No. 6790, Donald Flamm, New York, N. Y.; Docket No. 6791, The Metropolitan Broadcasting Service, New York, N. Y.; Docket No. 6792, WAGE, Inc., Syracuse, N. Y.; Docket No. 6793, WCAX Broadcasting Corp., Burlington, Vermont, applications to operate on 620 kc.

(5) Docket No. 7059, Midwest Broadcasting Co., Mt. Vernon, Ill.; Docket No. 7060, Mt. Vernon Radio & Television Co., Mt. Vernon, Ill., applications for CP to operate on 940 kc.

(6) Docket No. 6905, Smoky Mountain Broadcasting Co., Knoxville, Tenn.; Docket No. 6906, East Tennessee Broadcasting Co., Knoxville, Tenn., applications on 1340 kc to 250 kw Unl.

Dated: January 28, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1196; Filed, Feb. 7, 1947; 8:47 a. m.]

[Docket No. 8060]

SPOKANE BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Spokane Broadcasting Corporation (KFIO) Spokane, Washington, Docket No. 8060, File No. B5-P-5559, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of January 1947;

The Commission having under consideration the above-entitled application for construction permit to allow a change in frequency and power of Station KFIO, Spokane, Washington, from 1230 kc, 250 w, unlimited time, to 790 kc, 5 kw, unlimited time, using a directional antenna;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Washington Broadcasters, Inc. (File No. B5-P-4462), requesting a construction permit for a new standard broadcast station to operate on 790 kc, 5 kw, unlimited time, using a directional antenna, at Spokane, Washington, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors, and stockholders, to construct and operate Station KFIO as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KFIO as proposed, and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered, and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station KFIO as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station KFIO as proposed would involve objectionable interference with the services proposed in the pending application of Washington Broadcasters, Inc. (File No. B5-P-4462), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station KFIO as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1197; Filed, Feb. 7, 1947; 8:47 a. m.]

[Docket Nos. 7931, 8066]

NORTHERN BERKSHIRE BROADCASTING AND COLGREN BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Herbert B. Clark, Robert Hardman and James Gordon Keyworth, d/b as The Northern Berkshire Broadcasting Company, North Adams, Massachusetts, Docket No. 8066, File No. B1-P-5619; Robert P. Strakos and John F. Kearney, d/b as The Colgren Broadcasting Company, Hudson, New York, Docket No. 7931, File No. B1-P-5131; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of January 1947;

The Commission having under consideration the above-entitled application of Herbert B. Clark, Robert Hardman and James Gordon Keyworth, d/b as The Northern Berkshire Broadcasting Company, for construction permit for a new standard broadcast station to operate on 1230 kc, 250 w, unlimited time, at North Adams, Massachusetts, and

It appearing, that the Commission, on October 31, 1946, designated for hearing the above application of Robert P. Strakos and John F. Kearney, d/b as The Colgren Broadcasting Company, requesting a construction permit for new standard broadcast stations to operate on 1230 kc, 250 w, unlimited time, at Hudson, New York, and that a hearing on said application is scheduled for March 12, 1947, at Hudson, New York;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Herbert B. Clark, Robert Hardman and James Gordon Keyworth, d/b as The Northern Berkshire Broadcasting Company, be and it is hereby, designated for hearing in a consolidated proceeding with the above application of Robert P. Strakos and John F. Kearney, d/b as The Colgren Broadcasting Company, the hearing on the latter application to be held at Hudson, New York, on March 12, 1947, as aforesaid, and on the application of The Northern Berkshire Broadcasting Company, at North Adams, Massachusetts, on March 13, 1947, and that the hearing on the application of The Northern Berkshire Broadcasting Company be upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications

in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order of October 31, 1946, designating the application of Robert P. Strakos and John F. Kearney, d/b as The Colgren Broadcasting Company, be amended to include the said application of Herbert B. Clark, Robert Hardman and James Gordon Keyworth, d/b as The Northern Berkshire Broadcasting Company.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1198; Filed, Feb. 7, 1947; 8:48 a. m.]

[Docket Nos. 8043, 8064, 8065]

FRED JONES BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Fred Jones and Mary Eddy Jones, a partnership, d/b as Fred Jones Broadcasting Company (KFMJ), Tulsa, Oklahoma, Docket No. 8065, File No. B3-P-5585; Mid-State Broadcasting Company (WMMJ), Peoria, Illinois, Docket No. 8043, File No. B4-P-5551; Grain Country Broadcasting Co., Inc., Peru, Illinois, Docket No. 8064, File No. B4-P-5567; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of January 1947;

The Commission having under consideration the above-entitled application of Fred Jones and Mary Eddy Jones, a partnership, d/b as Fred Jones Broadcasting Company (KFMJ), requesting a construction permit to change frequency, power and hours of operation of Station KFMJ, Tulsa, Oklahoma, from 1050 kc, 1 kw, daytime only, to 970 kc, 500 w, 1 kw-LS, DA-2, unlimited time;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the applications of Grain Country Broadcasting Co., Inc., for construction permit for a new standard broadcast station to operate on 980 kc, 500 w, 1 kw-LS, DA-2, unlimited time, at Peru, Illinois, and Mid-State Broadcasting Company (WMMJ), for construction permit to change frequency and power from 1020 kc, 1 kw day, to 970 kc, 1 kw day and night, to change hours of operation from daytime to unlimited, to install a directional antenna, and to make other changes, at a time and place to be designated by subsequent order of the Commission, upon the following issues;

1. To determine the technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate Station KFMJ as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KFMJ as proposed, and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station KFMJ as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station KFMJ as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station KFMJ as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1199; Filed, Feb. 7, 1947; 8:48 a. m.]

[Docket Nos. 8043, 8064, 8065]

MID-STATE BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Mid-State Broadcasting Company (WMMJ), Peoria, Illinois, Docket No. 8043, File No. B4-P-5551; Grain Country Broadcasting Co., Inc., Peru, Illinois, Docket No. 8064, File No. B4-P-5567; Fred Jones and Mary Eddy Jones, a partnership, d/b as Fred Jones Broadcasting Company (KFMJ), Tulsa, Oklahoma, Docket No. 8065, File No. B3-P-5585; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of January 1947;

The Commission having under consideration the above-entitled application of Mid-State Broadcasting Company (WMMJ), for a construction permit to change frequency and power of Station WMMJ, Peoria, Illinois, from 1020 kc, 1 kw, day, to 970 kc, 1 kw day and night, to change hours of operation from daytime to unlimited, to install a directional antenna for day and night time, and to make other changes;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the above applications of Fred Jones and Mary Eddy Jones, a partnership, d/b as Fred Jones Broadcasting Company (KFMJ), requesting construction permit to change frequency, power, and hours of operation of Station KFMJ, Tulsa, Oklahoma, from 1050 kc, 1 kw, daytime only, to 970 kc, 500 w, 1 kw-LS, DA-2, unlimited time, and of Grain Country Broadcasting Co., Inc., for construction permit for a new standard broadcast station to operate on 980 kc, 500 w, 1 kw-LS, DA-2, unlimited time, at Peru, Illinois, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate Station WMMJ as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WMMJ as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WMMJ as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station WMMJ as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station WMMJ as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1200; Filed, Feb. 7, 1947; 8:48 a. m.]

[Docket No. 6651]

REVISED FREQUENCY SERVICE ALLOCATIONS BETWEEN 30 AND 40 MEGACYCLES TO NON-GOVERNMENT FIXED AND MOBILE SERVICES

NOTICE WITH RESPECT TO ORAL ARGUMENT

JANUARY 29, 1947.

The persons and organizations set out below have filed briefs, statements, or notices of appearances in the above entitled matter upon which oral argument is scheduled for February 3, 1947, at 10:00 a. m. before the Commission. The

argument will be held in the auditorium of the Department of Commerce located on Fourteenth Street between E Street and Constitution Avenue Northwest, Washington, D. C. Anyone not listed below but wishing to participate in such oral argument should promptly advise the Commission to that effect. It is requested that each participant in the oral argument in this matter make every effort to limit his presentation to the shortest possible time consistent with adequate discussion of the issues involved, and in general it is expected that such oral presentation will be confined to a maximum of 20 minutes. Additional relevant data may be presented in the form of written statements for inclusion in the record of this proceeding.

American Association of State Highway Officials.
American Telephone and Telegraph Company.
American Transit Association.
Association of Police Communications Officers.
Boston Police Department.
Chicago Park District.
Committee 4, Panel 13, Radio Technical Planning Board.
Eastern States Police Radio League.
Florida Highway Patrol.
Forestry Conservation Communication Association.
Galvin Manufacturing Corporation.
General Telephone and Telegraph Company.
International Association of Chiefs of Police.
National Bus Communications, Inc.
Police Committee, Panel 13, Radio Technical Planning Board.
U. S. Independent Telephone Association.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1202; Filed, Feb. 7, 1947; 8:48 a. m.]

[Docket No. 6651]

REVISED FREQUENCY SERVICE ALLOCATIONS BETWEEN 152 AND 162 MEGACYCLES TO NON-GOVERNMENT FIXED AND MOBILE SERVICES

NOTICE WITH RESPECT TO ORAL ARGUMENT

JANUARY 29, 1947.

The persons and organizations set out below have filed briefs, statements, or notices of appearances in the above-entitled matter upon which oral argument is scheduled for February 3, 1947 at 2:00 p. m. before the Commission. The argument will be held in the auditorium of the Department of Commerce, located on Fourteenth Street between E Street and Constitution Avenue, Northwest, Washington, D. C. Anyone not listed below but wishing to participate in such oral argument should promptly advise the Commission to that effect. It is requested that each participant in the oral argument in this matter make every effort to limit his presentation to the shortest possible time consistent with adequate discussion of the issues involved, and in general it is expected that such oral presentation will be confined to a maximum of 20 minutes. Additional relevant data may be presented in the form of written statements for inclusion in the record of this proceeding.

American Telephone and Telegraph Company.
American Transit Association.
Association of American Railroads.
Association of Police Communications Officers.
Boston Police Department.
Committee 2, Panel 13, Radio Technical Planning Board.
Committee 4, Panel 13, Radio Technical Planning Board.
Eastern States Police Radio League.
Galvin Manufacturing Corporation.
General Telephone and Telegraph Company.
International Association of Chiefs of Police.
International Association of Fire Chiefs.
National Broadcasting Company.
National Bus Communications, Inc.
Police Committee, Panel 13, Radio Technical Planning Board.
Radiomarine Corporation of America.
Raytheon Manufacturing Company.
Western Union Telephone and Telegraph Company.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1203; Filed, Feb. 7, 1947; 8:48 a. m.]

[Docket Nos. 8043, 8064, 8065]

GRAIN COUNTRY BROADCASTING CO., INC., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Grain Country Broadcasting Co., Inc., Peru, Illinois, Docket No. 8064, File No. B4-P-5567; Mid-State Broadcasting Company (WMMJ), Peoria, Illinois, Docket No. 8043, File No. B4-P-5551; Fred Jones and Mary Eddy Jones, a partnership, d/b as Fred Jones Broadcasting Company (KFMJ), Tulsa, Oklahoma, Docket No. 8065, File No. B3-P-5585; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of January 1947;

The Commission having under consideration the above-entitled application of Grain Country Broadcasting Co., Inc., requesting a construction permit for a new standard broadcast station to operate on 980 kc, 500 w, 1 kw-LS, DA-2, unlimited time, at Peru, Illinois;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the above applications of Mid-State Broadcasting Company (WMMJ) for a construction permit to change frequency and power of Station WMMJ, Peoria, Illinois, from 1020 kc, 1 kw day, to 970 kc, 1 kw day and night, to change hours of operation from daytime to unlimited, to install a directional antenna, and to make other changes, and of Fred Jones and Mary Eddy Jones, a partnership, d/b as Fred Jones Broadcasting Company (KFMJ), requesting a construction permit to change frequency, power, and hours of operation of Station KFMJ, Tulsa, Oklahoma, from 1050 kc, 1 kw, daytime only, to 970 kc, 500 w, 1 kw-LS, DA-2, unlimited time, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1201; Filed, Feb. 7, 1947; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-806, G-352, G-325, G-494]

KANSAS-NEBRASKA NATURAL GAS CO., INC., ET AL.

ORDER CONSOLIDATING PROCEEDINGS FOR HEARING AND FIXING DATE THEREOF

JANUARY 31, 1947.

In the matters of Kansas-Nebraska Natural Gas Company, Inc., Docket No. G-806; The Fin-Ker Oil and Gas Production Company, Docket No. G-352; The Tri-County Gas Company, Docket No. G-325; and Kansas Natural Gas, Inc., Docket No. G-494.

Upon consideration of the following application filed pursuant to section 7 of the Natural Gas Act, as amended, and the request of The Tri-County Gas Com-

pany and The Fin-Ker Oil and Gas Production Company that the above-mentioned docket proceedings be consolidated and issues presented be disposed of;

It appears to the Commission that:

(a) Kansas - Nebraska Natural Gas Company, Inc., a Kansas corporation operating in the States of Kansas and Nebraska, filed on November 1, 1946, Docket No. G–806, an application for a certificate of public convenience and necessity for authority to acquire substantially all of the physical properties of The Tri-County Gas Company situated in the Counties of Kearny, Scott, Finney and Lane in the State of Kansas and operate the same following acquisition in rendering natural gas service, together with a gas purchase contract between The Fin-Ker Oil and Gas Production Company and The Tri-County Gas Company.

(b) The Tri-County Gas Company, a Kansas corporation operating in the State of Kansas, filed on May 4, 1942, Docket No. G–325, an application which was amended on May 8, 1942, wherein the Commission was requested to find said company not a natural-gas company within the meaning of the Natural Gas Act and in the event the Commission did not so find that it be issued a certificate of public convenience and necessity. On March 26, 1946, after hearing, the Commission found the The Tri-County Gas Company was a natural-gas company within the meaning of the Natural Gas Act and issued to it a certificate of public convenience and necessity. Pursuant to application for reconsideration and rehearing filed by The Tri-County Gas Company wherein it claimed not to be a natural-gas company, the Commission on May 21, 1946, granted rehearing as to its order of March 26, 1946, to be heard at a time and place to be thereafter named.

(c) The Fin-Ker Oil and Gas Production Company, a Kansas corporation operating in the State of Kansas, filed on May 8, 1942, Docket No. G–352, an application wherein the Commission was requested to find whether or not said company was a natural-gas company within the meaning of the Natural Gas Act and in the event the Commission found it to be a natural gas company, to issue a certificate of public convenience and necessity. After hearing, The Fin-Ker Oil and Gas Production Company filed on October 18, 1943, an amendment to its application wherein said company reaffirmed its position that it was not a natural-gas company. No further filings have been made or action taken in this proceeding.

(d) Pursuant to an order of investigation of August 4, 1943, Docket No. G–494, a hearing was held relating to Kansas Natural Gas, Inc., a Kansas corporation operating in the State of Kansas, and it was found by the Commission on March 26, 1946, to be a natural-gas company within the meaning of the Natural Gas Act and was ordered to file an application for a certificate of public convenience and necessity. Pursuant to petition for reconsideration filed by Kansas Natural Gas, Inc. wherein it claimed not to be a natural-gas company, the Commission on May 21, 1946, granted rehearing as to its order of March 26, 1946, to be heard at a time and place to be thereafter named.

(e) The operations conducted and proposed for the rendering of natural gas service by the aforesaid companies are related and the aforesaid dockets should be consolidated and set for hearing.

The Commission orders that:

(A) The record in Docket No. G–352 In the matter of The Fin-Ker Oil and Gas Production Company be and the same hereby is reopened;

(B) The aforesaid Dockets No. G–806, Kansas-Nebraska Natural Gas Company, Inc.; No. G–352, The Fin-Ker Oil and Gas Production Company; No. G–325, The Tri-County Gas Company; and No. G–494, Kansas Natural Gas, Inc., be and the same hereby are consolidated for hearing;

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on the 4th day of March, 1947, at 10:00 a. m. in Room 204, Main Post Office Building at Wichita, Kansas, concerning the matters of fact and law, asserted in the applications filed in the aforesaid proceedings.

(D) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: February 4, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47–1192; Filed, Feb. 7, 1947; 8:46 a. m.]

[Docket No. G–786]

PANHANDLE EASTERN PIPE LINE CO.

ORDER FIXING DATE OF HEARING

FEBRUARY 4, 1947.

Upon consideration of the application filed September 19, 1946, Docket No. G–786, by Panhandle Eastern Pipe Line Company ("Applicant"), a Delaware corporation with its principal offices in Kansas City, Missouri, and in Chicago, Illinois, and authorized to do business in the States of Texas, Oklahoma, Kansas, Missouri, Illinois, Indiana, Ohio and Michigan, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate the following described natural gas pipeline facilities subject to the jurisdiction of the Federal Power Commission:

A gas metering and regulating station and connection at a point in Delaware County, Indiana, where Applicant's 18-inch pipeline "B" (extending from its Zionsville Compressor Station to Muncie) crosses the pipeline of Central Indiana Gas Company approximately three miles north of Middletown, Indiana.

It appearing to the Commission that:

(a) Applicant proposes the construction and operation of the aforedescribed facilities for the purpose of supplying natural gas to Central Indiana Gas Company to enable the latter company to meet the demands upon it by attached customers in Middletown, Indiana. The proposed metering and regulator station will facilitate deliveries to Middletown, Indiana, and supplement the deliveries now made at four points of connection between Applicant and Central Indiana Gas Company. No change will be made in the total volumes of gas required to be delivered by Applicant to Central Indiana Gas Company pursuant to a contract dated January 16, 1939. Temporary authorization has been granted for the construction and operation of these facilities.

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR, 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested hearings, and no request to be heard, protest, or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 8, 1946 (11 F. R. 11614–5).

The Commission orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on the twenty-seventh day of February 1947, at 9:30 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above-entitled proceedings: *Provided, however,* That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may after a noncontested hearing forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: February 5, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47–1193; Filed, Feb. 7, 1947; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-975]

SCRANTON ELECTRIC CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 4th day of February A. D. 1947.

The Philadelphia Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $5.00 Par Value, of Scranton Electric Company, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

Notice is hereby given that, upon request of any interested person received prior to February 18, 1947, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to Louis Loss, Chief Counsel, Trading and Exchange Division, Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1179; Filed, Feb. 7, 1947; 8:45 a. m.]

[File No. 50-22]

PORTLAND ELECTRIC POWER CO.

ORDER GRANTING EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of February A. D. 1947.

An application, and an amendment, having been filed pursuant to Rule U-100 (a), promulgated under the Public Utility Holding Company Act of 1935, by Thos. W. Delzell and R. L. Clark, Independent Trustees of Portland Electric Power Company, a registered holding company and a debtor now under reorganization under Chapter X of the Bankruptcy Act, as amended, in the District Court of the United States for the District of Oregon, for exemption from the provisions of Rule U-62 with respect to the solicitation material to be mailed to creditors and stockholders of Portland Electric Power Company upon the approval of the District Court of a plan of reorganization, approved by the Commission on December 10, 1946, for the acceptances of such creditors and stockholders; and

It appearing to the Commission that the requirements of Rule U-62, as applied to such proposed transactions, are not necessary or appropriate in the public interest or for the protection of investors or consumers;

It is ordered, Pursuant to Rule U-100 (a), that said application, as amended, of the Independent Trustees of Portland Electric Power Company for exemption from the provisions of Rule U-62, be, and the same hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1178; Filed, Feb. 7, 1947; 8:45 a. m.]

[File No. 70-1262]

MICHIGAN GAS AND ELECTRIC CO. AND MIDDLE WEST CORP.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of February 1947.

The Commission, by order dated July 29, 1946, having granted and permitted to become effective an application-declaration, as amended, filed pursuant to the Public Utility Holding Company Act of 1935 jointly by The Middle West Corporation, a registered holding company, and its subsidiary, Michigan Gas and Electric Company, and Halsey, Stuart & Co., Inc., an affiliate of Michigan Gas and Electric Company, which application-declaration proposed a recapitalization of Michigan Gas and Electric Company and related transactions; and

The Commission, upon request of the applicants-declarants, having, by orders dated October 21, 1946, and November 29, 1946, extended to January 30, 1947 the time within which such transactions may be carried out as provided in Rule U-24; and

Applicants-declarants now having requested a further extension of time, for a period of not less than sixty days from January 30, 1947, within which such transactions may be carried out and having stated that Michigan Gas and Electric Company is presently engaged in preparing an appropriate amendment to its Registration Statement, heretofore filed under the Securities Act of 1933, and that the transactions approved by order dated July 29, 1946, will be consummated within sixty days, subject to adverse changes in market conditions; and

The Commission having considered such request and deeming it appropriate in the public interest and in the interest of investors and consumers that such request be granted:

It is ordered, That the time within which the transactions, heretofore approved by order of July 29, 1946, may be carried out under Rule U-24 be, and hereby is, extended to and including March 31, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1180; Filed, Feb. 7, 1947; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 96]

RECONSIGNMENT OF APPLES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., February 1, 1947, by Fred Logan Co., of car FGE 52653, apples, now on the Baltimore and Ohio RR. Co., to S. Albertson Co., Boston, Mass.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of February 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-1183; Filed, Feb. 7, 1947; 8:45 a. m.]

[S. O. 396, Special Permit 94]

RECONSIGNMENT OF ONIONS AT JERSEY CITY, N. J.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Jersey City, N. J., January 31, 1947, by Tassini & Salisch, of car NP 90676, onions, now on the Baltimore and Ohio R. R., to First National Stores, Somerville, Mass. (NYNH&H-B&M delivery).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement un-

der the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 31st day of January 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1181; Filed, Feb. 7, 1947; 8:45 a. m.]

[S. O. 396, Special Permit 95]

RECONSIGNMENT OF ORANGES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., February 1, 1947, by John B. Cancelmo Co., of cars LRX 7098 and MDT 21997, oranges, now on the Baltimore and Ohio Railroad, to Cooke Musanti Canty, Inc., Boston, Mass.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1182; Filed, Feb. 7, 1947; 8:45 a. m.]

[S. O. 396, Special Permit 97]

RECONSIGNMENT OF GRAPEFRUIT AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., February 1, 1947, by J. Earle Roberts, of car WFE 67611, grapefruit, now on the Pennsylvania RR., to P. W. Gibbons, New York, N. Y. (P. RR.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1184; Filed, Feb. 7, 1947; 8:45 a. m.]

[S. O. 396, Special Permit 98]

RECONSIGNMENT OF ONIONS AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., February 1, 1947, by Dan Storey, of car MDT 4287, onions, now on the Penn. RR., to Samuel Rosenblum, New York, N. Y. (P. RR.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1185; Filed, Feb. 7, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 100]

RECONSIGNMENT OF POTATOES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., February 3, 1947, by Frankfort Grocery Co., of car SFRD 38504, potatoes, now on the Reading Co., to J. L. Budreau, Richmond, Va. (Rdg.-B&O-RF&P).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1186; Filed, Feb. 7, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 101]

RECONSIGNMENT OF POTATOES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., February 3, 1947, by Edmunds Bros., of car URTX 7253, potatoes, now on the PRR to Schley Bros., Baltimore, Md. (PRR)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1187; Filed, Feb. 7, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 102]

RECONSIGNMENT OF ORANGES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies

to the reconsignment at Philadelphia, Pa., February 3, 1947, by J. B. Cancelmo Co., of cars WFE 66347 SFRD 24860, oranges, now on the B. & O. to Cooke Musane Canty, Inc., Boston, Mass. (B. & O.–N. Y. N. H. & H.)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47–1188; Filed, Feb. 7, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 103]

RECONSIGNMENT OF ONIONS AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., February 3, 1947, by Paul Jones, of car FGE 50021, onions, now on the C., R. I. & P. R. R., to Savannah, Ga. (CRI&P–L&N–CofG).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of February 1947.

[SEAL] V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47–1189; Filed, Feb. 7, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 104]

RECONSIGNMENT OF CARS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., February 3, 1947, by Atlantic Commission Co., of cars PFE 60848, PFE 45585, ART 20206 and ART 23094, now on the C. & N. W. R. R. at Proviso, to Atlantic Commission Co., Milwaukee, Wis.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47–1190; Filed, Feb. 7, 1947; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 8130]

KARL STIRNER

In re: Stock owned by Karl Stirner. F–28–25906–A–1, F–28–25906–C–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Stirner, whose last known address is Ellwangen, a/Jagst, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Karl Stirner and presently in the custody of Rudolph Correll, 26 Ferry Street, New York 7, New York, together with all declared and unpaid dividends thereon, and

b. All those debts or other obligations owing to Karl Stirner, by Rudolph Correll, 26 Ferry Street, New York 7, New York, including particularly but not limited to that sum of money on deposit with The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account entitled Rudolph Correll, Special #2, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945, Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name and address of corporation	State of incorporation	Par value	Type of stock	Number of shares	Certificate No.
American Telephone & Telegraph Co., 195 Broadway, New York, N. Y.	New York	$100	Capital	4	ON15352.
American Smelting & Refining Co., 120 Broadway, New York, N. Y.	New Jersey	No par value.	Common	1 1	CO243250. CO180321.
General Electric Co., 1 River Rd., Schenectady, N. Y.	New York	No par value.	Common	1	NYE102394.
The American Tobacco Co., 111 5th Ave., New York, N. Y.	New Jersey	$25	Common "B"	1	BB57602.
United Shoe Machinery Corp., 140 Federal St., Boston, Mass.	do	$25	Common	2	342282.

[F. R. Doc. 47–1173; Filed, Feb. 6, 1947; 8:57 a. m.]

[Vesting Order 8119]

HEDWIG DIEFENBACH

In re: Voting trust certificate and bank account owned by and debts owing to Hedwig Diefenbach and the descendants, names unknown, of Rudolph Diefenbach, also known as Rudolf Diefenbach, deceased, and Hedwig Diefenbach.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Diefenbach, whose last known address is Heilbronn, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the descendants, names unknown, of Rudolph Diefenbach, also known as Rudolf Diefenbach, deceased, and Hedwig Diefenbach, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. Voting Trust Certificate No. C14 for 800 shares of common stock of Central Paper Company, Incorporated, Muskegon, Michigan, a corporation organized under the laws of the State of Michigan, registered in the name of Rudolf Diefenbach, dated May 7, 1935, and presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation appearing on the books and records of the Continental Illinois National Bank and Trust Company of Chicago in the name of Rudolph Diefenbach, arising out of an account entitled Dividend Account, Central Paper Co., Inc., for Common, maintained at the Continental Illinois National Bank and Trust Company of Chicago, 231 South La Salle Street, Chicago, Illinois, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation appearing on the books and records of the Continental Illinois National Bank and Trust Company of Chicago in the name of Rudolph Diefenbach, arising out of an account entitled Central Paper Co. Inc., Dividend Account, maintained at the Continental Illinois National Bank and Trust Company of Chicago, 231 South La Salle Street, Chicago, Illinois, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that Hedwig Diefenbach and the descendants, names unknown, of Rudolph Diefenbach, also known as Rudolf Diefenbach, deceased, and Hedwig Diefenbach, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1172; Filed, Feb. 6, 1947; 8:57 a. m.]

[Vesting Order 8107]

WEIMAR MUSEUM AND GRAND DUCHESS FEODORA

In re: Paintings owned by Weimar Museum, also known as Staatliche Kunstsammlungen, Weimar, Thuringia, and Grand Duchess Feodora of Sachsen-Weimar-Eisenach.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Weimar Museum, also known as Staatliche Kunstsammlungen, Weimar, Thuringia, the last known address of which is Weimar, Thuringia, Germany, is a corporation, partnership, association or other organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That Grand Duchess Feodora of Sachsen-Weimar-Eisenach, whose last known address is Heinrichau, Province of Silesia, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That the property described as follows:

One (1) Rembrandt self-portrait, the dimensions of which are 19 inches by 24½ inches, bearing the inscription Rembrandt F 1643 above the shoulder on the left side, presently in the custody of The Dayton Art Institute, Forest and Riverview Avenues, Dayton 5, Ohio,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Weimar Museum, also known as Staatliche Kunstsammlungen, Weimar, Thuringia, and Grand Duchess Feodora, the aforesaid nationals of a designated enemy country (Germany);

4. That the property described as follows:

a. One (1) painting by Ter Borch, the dimensions of which are 11 inches by 14½ inches, the same being almost a half-length portrait of a man with a large black hat, a large white collar with two small tassels suspended from a string under the collar, and holding a glove in the left hand, presently in the custody of The Dayton Art Institute, Forest and Riverview Avenues, Dayton 5, Ohio, and

b. One (1) painting by J. H. Tischbein, the dimensions of which are 8½ inches by 11 inches, the same being a portrait of a young girl, presently in the custody of The Dayton Art Institute, Forest and Riverview Avenues, Dayton 5, Ohio,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Weimar Museum, also known as Staatliche Kunstsammlungen, Weimar, Thuringia, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1217; Filed, Feb. 7, 1947; 8:54 a. m.]